



The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

Note: Staff reports can be accessed at <http://mncppc.igm2.com/Citizens/Default.aspx>

# Detailed Site Plan Hyattsville Brightseat Road

## DSP-15021-01

REQUEST	STAFF RECOMMENDATION
Revision to replace a 4-story, 124-room hotel building with a 1-story, 4,050-square-foot gas station with a food or beverage store.	With the conditions recommended herein: <ul style="list-style-type: none"> <li>• Approval of Detailed Site Plan DSP-15021-01</li> <li>• Approval of Type 2 Tree Conservation Plan TCP2-026-2015-02</li> </ul>

<b>Location:</b> On the northeast side of the intersection of Brightseat Road and Medical Center Drive.	
Gross Acreage:	5.30
Zone:	IE
Prior Zone:	I-3
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	0
Gross Floor Area:	4,050 sq. ft.
Planning Area:	72
Council District:	05
Municipality:	N/A
<b>Applicant/Address:</b> Hyattsville Brightseat Road RE LLC 5850 Waterloo Road Columbia, MD 21045	
<b>Staff Reviewer:</b> Mridula Gupta <b>Phone Number:</b> 301-952-3504 <b>Email:</b> Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	04/20/2023
Planning Board Action Limit:	04/21/2023
Staff Report Date:	04/05/2023
Date Accepted:	02/09/2023
Informational Mailing:	03/16/2022
Acceptance Mailing:	02/03/2023
Sign Posting Deadline:	03/21/2023

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-15021-01  
Type 2 Tree Conservation Plan TCP2-026-2015-02  
Hyattsville Brightseat Road

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

The property is located within the Industrial, Employment (IE) Zone, formerly the Planned Industrial/Employment Park (I-3) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) of the Zoning Ordinance, which allows for an approved project to continue to be reviewed and decided under the Zoning Ordinance and Prince George's County Subdivision Regulations under which it was approved. Per Section 27-471(d) of the prior Zoning Ordinance, a detailed site plan shall be approved for all uses and improvements in the I-3 Zone. This detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance in the Planned Industrial/Employment Park (I-3) Zone and the site design guidelines;
- b. The requirements of Conceptual Site Plan CSP-21006;
- c. The requirements of Preliminary Plan of Subdivision 4-22006;
- d. The requirements of Detailed Site Plan DSP-15021;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- h. Referral comments.

## FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommend the following findings:

- Request:** This detailed site plan (DSP) requests a revision to DSP-15021, to replace one 4-story, 124-room hotel building with a 4,050-square-foot gas station and food and beverage store, specifically, a 7-Eleven store. The existing 5.3-acre property will be subdivided into two new parcels, one containing the existing hotel and one containing the proposed gas station and food and beverage store. The eastern portion of the property, which is proposed as Parcel 3, is developed with a 4-story, 124-room hotel approved under DSP-15021. The western portion of the property, which is proposed as Parcel 2, is currently vacant and was previously approved for construction of a second 124-room hotel. A Special Exception, SE-4845, has been previously approved for Parcel 2, to construct a gas station with a food or beverage store, more specifically, a 7-Eleven store. The two parcels will share use of the existing driveway, which was previously approved to serve as access to the property from Brightseat Road.
- Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	IE (Prior I-3)	IE (Prior I-3)
Use(s)	Hotel	Hotel, Gas Station with a Food and Beverage Store
Gross Acreage	5.3	5.3
Total Parcels	1	2
Total Gross Floor Area	47,624 sq. ft.	51,674 sq. ft.
Parcel 2	-	4,050 sq. ft.
Parcel 3*	47,624 sq. ft.	47,624 sq. ft.
Residential Dwelling Units	-	-
Hotel Rooms*	124	124

**Note:** \*The existing hotel on Parcel 3 was approved under DSP-15021 and is not the subject of this amendment.

### Parking Requirement (per Section 27-568(a) of the prior Zoning Ordinance)

	<b>Number of Spaces Required</b>	<b>Number of Spaces Provided</b>
Parcel 2, Food and Beverage Store	1 space per 150 sq. ft. of GFA of the first 3,000 sq. ft. 1 space per 200 sq. ft. of GFA above the first 3,000 sq. ft.	1 x (3,000/150) + 1 x (1,050/200) + = 26 parking spaces
Parcel 2, Gas Station	1 space per each employee	1 x 2 employees = 2 parking spaces
Total Parking Required	28 parking spaces	
<b>Total Parking Provided</b>		31 parking spaces
Standard spaces (9.5 feet x 20 feet)*	-	29
Handicap Van-accessible	2	2



**Note:** \*Per Section 27-558(a) of the prior Zoning Ordinance, the minimum size of a standard car parking space is 9.5 feet by 19 feet. This DSP proposes a size of 9.5 feet by 20 feet for parking spaces.

**Loading Spaces** (per Section 27-582(a)\* of the prior Zoning Ordinance)

	<b>Required</b>	<b>Provided</b>
Parcel 2, Gas Station with a Food and Beverage Store	1	1
<b>Total</b>	1	1

**Note:** \*The subject site plan proposes one loading space, in accordance with the requirements of Section 27-582(a), which lists the following requirement:

- One space per 2,000–10,000 square feet of gross floor area of retail sales and service (per store)

**Building Coverage and Green Area** (per Section 27-474(e)\* of the prior Zoning Ordinance)

	<b>Required</b>	<b>Provided</b>
Parcel 2, Gas Station with a Food and Beverage Store		
Building coverage (Maximum % of net lot area)	45	4.6
Green area (Minimum % of net lot area)	25	45
Parcel 3, Hotel*		
Building coverage (Maximum % of net lot area)	45	10
Green area (Minimum % of net lot area)	25	46

**Note:** \*The existing hotel on Parcel 3 was approved under DSP-15021 and is not the subject of this amendment. However, the building coverage and green area are calculated to demonstrate continued conformance of the new Parcel 3 containing the existing hotel, with the requirements of Section 27-474(e).

- 3. Location:** The subject property is located on the northeast side of the intersection of Brightseat Road and Medical Center Drive, in Planning Area 72 and Council District 5. The subject 5.3-acre property is located in Tax Map 67, Grids C1 and D1. The property consists of one parcel, known as Parcel 1 of the Sandpiper Property Subdivision, recorded in the Prince George’s County Land Records in Plat Book SJH 245 page 22. The site is currently vacant.

4. **Surrounding Uses:** The adjoining properties and uses are as follows:

- North—** Vacant property in the Industrial, Employment (IE) Zone
- East—** I-95/495 (Capital Beltway), with hotels in the Regional Transit-Oriented, High-Intensity – Edge Zone beyond
- South—** Medical Center Drive, with a stormwater pond in the IE Zone beyond.
- West—** Brightseat Road, and wooded land containing a church in the IE Zone.

5. **Previous Approvals:** The property was the subject of Preliminary Plan of Subdivision (PPS) 12-3266, approved by the Prince George’s County Planning Board on December 17, 1969, for construction of an elementary school, and Parcel A was subsequently recorded in Plat Book 76 page 16. It does not appear that the approved development was ever constructed. Subsequently, various conveyances of public road rights-of-way were made via deed from the original acreage of Parcel A, which were exempt from the requirements of Subtitle 24 of the prior Prince George’s County Subdivision Regulations, in accordance with Section 24-107(c)(4) of the prior Subdivision Regulations. Parcel A was resubdivided in 2016 to create Parcel 1 (Final Plat of Subdivision 5-15059), in accordance with the provisions of Section 24-111(c) of the prior Subdivision Regulations, as the subject property had a final plat approved prior to October 27, 1970. At the time of resubdivision, the subject property was evaluated for adequate public facilities for commercial use, under two development scenarios: construction of two hotels or the construction of one hotel and a convenience store with a fueling station. The resubdivision of the subject property was approved by the Planning Board on July 7, 2016 (PGCPB Resolution No. 16-26), prior to its recordation in Plat Book SJH 245 page 22 on July 13, 2016. The final plat was approved, subject to three conditions listed in PGCPB Resolution No. 16-26, and subject to four notes listed on the plat itself. However, while these conditions and notes merit discussion, as provided below, they are not directly applicable to the proposed development because a new PPS is required to support the proposed development. A PPS (4-22006) was submitted for review and was approved by the Planning Board on March 16, 2023.

DSP-15021 was approved by the Prince George’s County District Council on June 13, 2016, for construction of two 124-room hotels. To date, only one hotel has been constructed, and the applicant’s statement of justification indicates that the market is no longer conducive to constructing the second hotel. Following the approval of this DSP, to replace the second hotel with a gas station and food or beverage store, approval of a final plat will be required before building permits may be approved.

Final Plat 5-15059 was approved subject to three conditions listed in PGCPB Resolution No. 16-26. The conditions are listed below in **bold** text and staff comments on the conditions are included in plain text.

1. **Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

A new trip cap was established with Certificate of Adequacy ADQ-2022-037, which is further discussed below, which supersedes the trip cap established with 5-15059. The approved trip cap includes the existing hotel on Parcel 3 and the proposed gas station with food or beverage store on Parcel 2.

**2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.**

The proposed DSP does not show any direct vehicular access to Medical Center Drive (formerly known as Arena Drive) or the Capital Beltway. Direct vehicular access remains denied for the current project, due to the former road's status as an arterial roadway and the latter road's status as a freeway. The site layout shown on the DSP proposes a shared access easement from Brightseat Road, to provide access to the two proposed parcels, which is permitted by Section 24-128(b)(9) of the prior Subdivision Regulations.

**3. The 2008 Water and Sewer Plan designates this property in water and sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.**

The property remains within Water and Sewer Category 3, and therefore, should be served by public water and sewer.

SE-4845 was approved pursuant to a Declaration of Finality of the Zoning Hearing Examiner's (ZHE) Decision on July 26, 2022, for construction of a gas station and a food or beverage store on two acres of Parcel A. Along with the special exception, a variance to Section 27-358(a)(1) of the prior Zoning Ordinance was also approved, to not provide direct access to a public street, but allow access via a private driveway. The proposed use will be provided access to Brightseat Road via shared use of the driveway that serves the existing hotel. The special exception was approved, pursuant to three conditions. The relevant conditions are listed below in **bold** text and staff comments on the conditions are included in plain text.

**1. Prior to signature approval of the special exception, the Special Exception Site Plan, Tree Conservation Plan or Landscape Plan (as applicable) shall be revised, as follows, and submitted to the Office of the Zoning Hearing Examiner for review, approval and submission into the record:**

**b. Provide information showing a fire hydrant will be provided within 500-feet of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners, etc.).**

This information, regarding a fire hydrant, will be shown on the special exception site plan, at the time of certification. This DSP was referred to the Prince George's County Fire/EMS Department, which has not offered comments on this application, at the time of the writing of this technical staff report.

**e. The freestanding pylon sign shall not exceed 25 feet in height.**

The DSP includes designs of proposed signs for the development, which include a pylon sign located at the intersection of Brightseat Road and Medical Center Drive. The pylon sign is marked as Sign “P,” and the detail shows it as 25 feet tall. At the time of the special exception, the height of this sign was required to be reduced to not be above the lowest point of the building. With the DSP, the signage design demonstrates conformance to the requirements of Part 12 of the prior Zoning Ordinance, for signs in the Planned Industrial/Employment Park (I-3) Zone.

**3. Approval is contingent upon the submittal of the executed easement agreement that will allow Applicant to access Brightseat Road to the site. No permits may be issued for the property until a copy said easement and any required approval of the access by the District Council, Planning Board or other agencies submitted to the Office of the Zoning Hearing Examiner for inclusion in the record. Applicant shall also submit a copy of any Site Plan or revised Landscape Plan approved by the Planning Board or District Council pursuant to the requirements for development in the I-3 Zone, for inclusion in the record.**

The DSP depicts that the proposed development is provided access to Brightseat Road via shared use of the driveway that serves the existing hotel. The DSP shows the location of the driveway and private access easement, permitted by Section 24-128(b)(9), to serve the development. Prior to approval, the final plat should include the delineation of this access easement, as shown on the approved DSP.

Conceptual Site Plan CSP-21006 was approved by the Planning Board on March 2, 2023 (PGCPB Resolution No. 2023-22), pursuant to four conditions, for development of a 4,050-square-foot gas station with a food or beverage store on Parcel 2. The relevant conditions are listed below in **bold** text and staff comments on the conditions are included in plain text.

**4. Prior to acceptance of a detailed site plan, the applicant and the applicant’s heirs, successors, and/or assignees shall:**

**a. Submit a bicycle and pedestrian plan which displays the details, location, and extent of the following facilities:**

- (1) A marked bicycle lane along the subject property’s frontage of Brightseat Road, unless modified by the operating agency with written correspondence.**
- (2) A minimum of a 5.5-foot-wide sidewalk along the perimeter of all buildings.**
- (3) Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.**

This condition was carried forward as Condition 6 of PPS 4-22006 and is discussed below.

**b. The freestanding pylon sign shall not exceed 25 feet in height.**

The DSP includes a pylon sign located at the intersection of Brightseat Road and Medical Center Drive. The pylon sign is marked as Sign “P,” and the detail shows it as 25 feet tall, in conformance with this condition.

PPS 4-22006 was approved by the Planning Board on March 16, 2023 (PGCPB Resolution No. 2023-32). The PPS approved two parcels for the development of 51,674 square feet of commercial development (47,624 square feet of which is an existing hotel). The PPS was approved pursuant to six conditions. The relevant conditions are listed below in **bold** text and staff comments on the conditions are included in plain text.

**1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following:**

**b. The dimensions and area for the road dedication along Brightseat Road, ensuring a minimum of 40 feet from the centerline of Brightseat Road is provided.**

**c. The plan and notes section shall be updated to reflect the land area for the roadway dedication, and consequently, any necessary adjusted parcel areas.**

The above conditions are for revisions to the PPS prior to its signature approval. However, these items should also be reflected on the DSP. The dimensions and area for the road dedication along Brightseat Road should be shown to ensure a minimum of 40 feet from the centerline. While General Note 38 on Sheet 3 of the DSP provides the amount of square feet dedicated to Brightseat Road, General Note 1 on Sheet 3 should also be updated to provide this information.

**2. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, 3656-2021-00, and any subsequent revisions.**

The subject DSP is consistent with Stormwater Management (SWM) Concept Plan 3656-2021-00.

**3. Prior to approval, the final plat of subdivision shall include:**

**a. The applicant and the applicant’s heirs, successors, and/or assignees shall record an access easement agreement that shows the extent and location of the easement on the subject property, as shown on the approved preliminary plan of subdivision.**

**b. The dedication of 10-foot-wide public utility easements along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.**

- c. **Right-of-way dedication of 40 feet from the centerline of Brightseat Road, as shown on the approved preliminary plan of subdivision.**

Conformance to these conditions will be reviewed at the time of final plat. However, the access easement, 10-foot-wide public utility easement (PUE), and dedication of 40 feet from the centerline of Brightseat Road should be reflected on the DSP. The access easement and PUE have been shown on the DSP. However, as discussed above, the dedication of 40 feet from the centerline of Brightseat Road should also be shown.

- 5. **Any residential development on the subject property shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.**

No residential development is proposed with this DSP.

- 6. **The following facilities shall be provided and shown on the site plan:**

- a. **A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency with written correspondence.**

A 5-foot-wide bicycle lane along Brightseat Road is shown on the DSP.

- b. **A minimum 5 1/2-foot-wide sidewalk along the perimeter of all buildings.**

All sidewalks along the perimeter of the building are at least 5.5 feet in width.

- c. **Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.**

Crosswalks and striping providing pedestrian connections from the parking area to the building are shown on the DSP.

PPS 4-22006 is supported by and subject to Certificate of Adequacy ADQ-2022-037, which was approved by the Planning Director on March 17, 2023, pursuant to two conditions. The relevant conditions are listed below in **bold** text and staff comments on the conditions are included in plain text.

- 1. **Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 157 AM peak-hour trips and 160 PM peak-hour vehicle trips.**

This DSP includes a trip generation memorandum which demonstrates conformance to the approved trip cap. The subject application considers a 4,050-square-foot convenience store with 16 fueling pumps, which results in 77 AM peak-hour trips and 70 PM peak-hour trips. Staff find that the subject DSP is within the trip cap

established with PPS 4-22006, which also includes a hotel that has already been constructed on Parcel 3.

**2. Prior to issuance of a use and occupancy permit for any new nonresidential development on the site, the applicant and the applicant's heirs, successors, and/or assignees shall:**

- a. Install and maintain of sprinkler system that complies with the National Fire Protection Association (NFPA) 13 standards for the installation of Sprinkler Systems. The installation of sprinklers shall not be waived by any party; and**
- b. Install and maintain automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, including a requirement for a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.**

This condition will be further reviewed at the time of permitting.

- 6. Design Features:** The application proposes construction of a 4,050-square-foot gas station and food or beverage store, specifically, a 7-Eleven store. This 5.30-acre site is roughly rectilinear in shape, with frontage on Brightseat Road to the west. The site's topography includes a gentle slope (a 10-foot-rise from west to east) and an even lesser slope (a 5-foot-rise from south to north). As stated previously, the eastern portion of the property, which is proposed as Parcel 3, is developed with a 4-story, 124-room hotel approved under DSP-15021. This hotel is not included in this DSP application. The proposed gas station and 7-Eleven store are located on Parcel 2 and oriented towards Brightseat Road, with two access points to the common private driveway it will share with the neighboring hotel. The gas dispensing stations and canopy are proposed to be located between Brightseat Road and the building.

The convenience store is a one-story building, with parking located on all four sides. Internal vehicular and pedestrian circulation is provided on-site by driveways and sidewalks around and between the hotel and 7-Eleven buildings. Parking and loading schedules demonstrating conformance with the relevant requirements of Part 11 of the Zoning Ordinance are included on the coversheet and on Sheet 3 of the DSP. Two bicycle racks are also provided near the front entrance to the 7-Eleven store. These racks are located within mulched area of a landscaped island. A condition of approval is recommended, requiring that these bicycle racks be located on a hard surface.

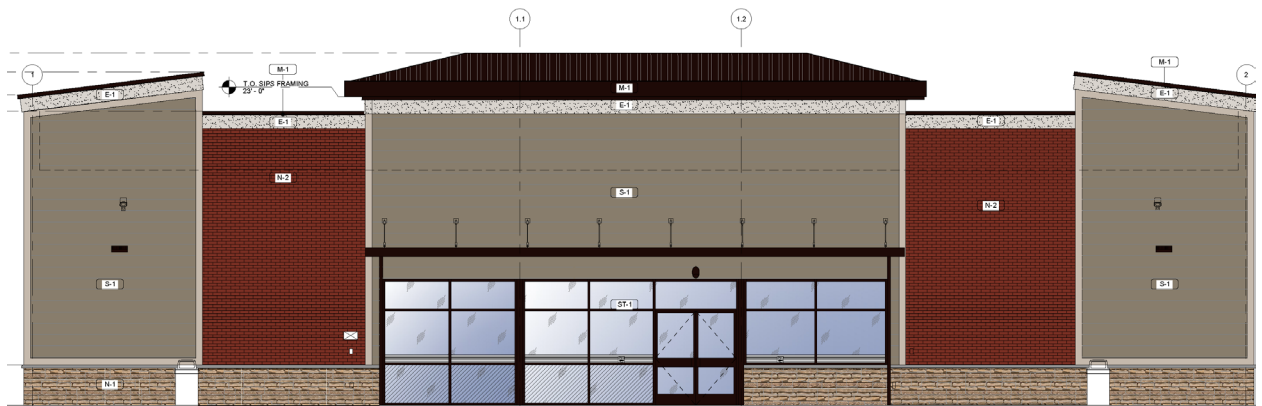
The service areas, including the dumpster enclosure and loading space, are located in the southeast corner of the parking lot and will be screened by landscaping. An air/vacuum system is also provided near the rear of the building, to provide an additional vehicle-related service to the customers.

Stormwater for the site is proposed to be managed and treated in a series of bioretention facilities and an underground storage facility located at the periphery of the site.

## Architecture

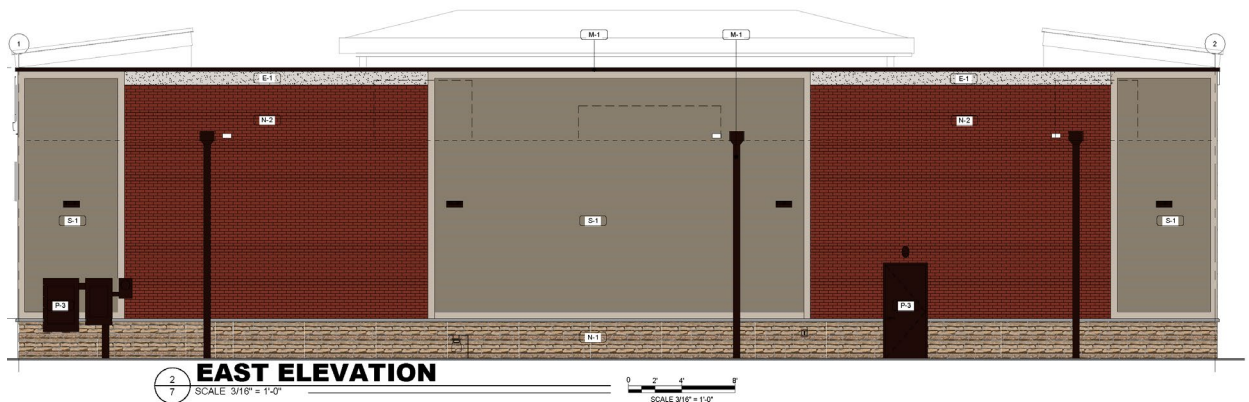
Architectural elevations for the new 7-Eleven store and gas station show a coordinated design theme. The architecture complements the existing architecture of the hotel, located to the east of the site, with the selection of materials, colors, and design elements. Panelized exterior wall systems employing brick, stone, exterior insulation finish system, and composition board (Hardi Plank) of coordinating colors are provided on the store façades. Appropriate fenestration is provided strategically on the main elevations. The colors of both the brick and composite board closely mimic the colors of brick and fiber cement siding used for the existing hotel. The roofline is articulated with sections of pitched roof, complementing the roofline of the existing hotel. The fuel island canopy columns are proposed to be finished with split-face concrete blocks, colored to match the composite board panels on the store façade.

Site details include a retaining wall and a dumpster enclosure. The retaining wall is located along the property's frontage on Brightseat Road, and is proposed to be a poured concrete wall with a maximum height of two feet. Since it will be visible from Brightseat Road, a condition of approval is recommended, to provide a detail to specify the color and building material for the retaining wall. The material should complement the materials used for the convenience store building. The dumpster enclosure uses the same split-face concrete blocks as used for the fuel island canopy columns.



**WEST ELEVATION**  
SCALE 3/16" = 1'-0"

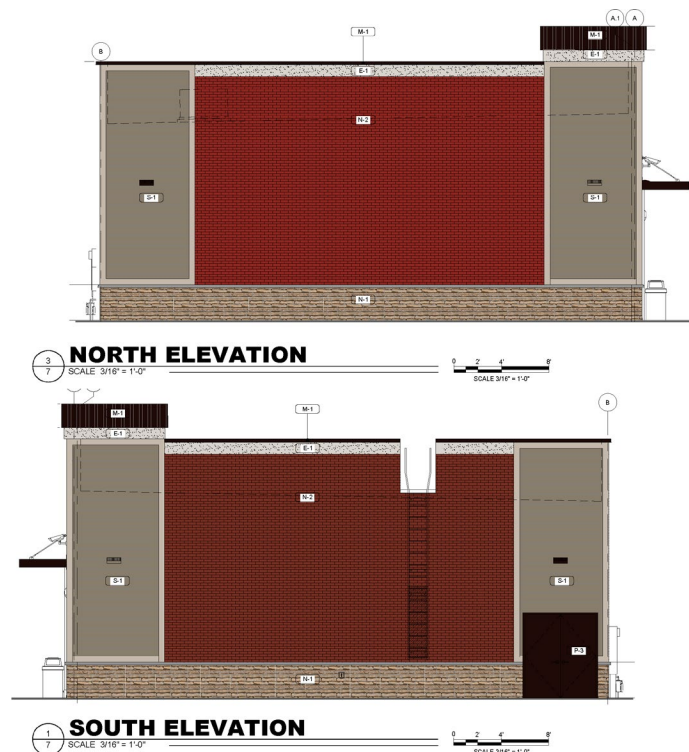
*Figure 1: Front Elevation (facing west)*



**EAST ELEVATION**  
SCALE 3/16" = 1'-0"

*Figure 2: Rear Elevation (facing existing hotel)*





**Figure 3: Side Elevations (facing north and south)**

### Signage

The signage design provided for the development was reviewed for conformance with the requirements of Part 12 of the prior Zoning Ordinance, for signs in the I-3 Zone. The sign package for the project includes four building-mounted identity signs, one canopy-mounted “Welcome” sign, two freestanding signs, fuel island canopy-mounted identity signs, and decorative striping on both the building and fuel island canopy. The freestanding signs include a 25-foot-tall pylon sign adjacent to the corner of Medical Center Drive and Brightseat Road, and an 8-foot-tall monument sign located at the entryway to the site on Brightseat Road. No digital billboards are proposed.

Regarding requirements for building and canopy-mounted signs in the I-3 Zone, Section 27-613(a)(2) of the prior Zoning Ordinance states that “signs may be located anywhere on a building that the Planning Board deems appropriate”, subject to the height limitations set forth in Section 27-613(b)(2) of the prior Zoning Ordinance, which prohibits on-building signage to extend above the lowest point to the roof of the building to which it is attached. The proposed signage conforms with this requirement and is appropriate for a building of this type. Section 27-613(c)(4) of the prior Zoning Ordinance limits the area of all the signs on a building wall facing a street to be not more than one square foot for each one lineal foot of building width facing that street. Based upon the information provided on the sign detail sheet, the square footage of signage proposed is less than the permitted amount on all facades of the building. The signage chart, however, lists the building façade to be 91 feet, 5 inches long, whereas the site plan depicts the building length to be 90 feet. The signage chart should be revised to list the correct building length.

Regarding requirements for freestanding signs in the I-3 Zone, Section 27-614(d)(6) of the prior Zoning Ordinance states that “the number of freestanding on-site signs permitted shall be determined by the Planning Board at the time of DSP review.” Also, Section 27-614(a)(3) of the prior Zoning Ordinance states that “signs may be located anywhere that the Planning Board deems appropriate”, subject to the height limitations contained in Section 27-614(b)(1) of the prior Zoning Ordinance. Per Section 27-614(b)(1), in the I-3 Zone, the height of any freestanding sign cannot be greater than the lowest point of the roof of any building located in the employment park. At the time DSP-15021 was approved, it was determined that the proposed hotel was 35 feet, 10 inches tall. The Planning Board approved a sign 35 feet, 10 inches tall, which has since been installed between the hotel and the Capital Beltway. A second 25-foot-high freestanding sign was also approved for the second hotel, to be located at the entrance to the property on Brightseat Road, but was not installed. The applicant proposes a 25-foot-high freestanding/pylon sign near the corner of Brightseat Road and Medical Center Drive, to allow it to be visible to vehicles on Medical Center Drive. Another 8-foot-high freestanding/monument sign is located at the entryway to the site on Brightseat Road.

The 8-foot-high freestanding/monument sign should be better identified on the site plan. Aside from an arrow, the site plan does not clearly show the location or width of the monument sign. Staff recommend that an enlarged insert plan of the area be added to the sheets, to clearly show the location, dimensions, and setbacks of the monument sign.

Section 27-614(c)(4) of the prior Zoning Ordinance states that in the I-3 Zone, the area of the sign shall be not more than one square foot for each five lineal feet of street frontage along the street which the sign faces. In addition, Section 27-614(c)(6)(D) of the prior Zoning Ordinance limits the total combined area of freestanding gasoline price and other signs on one support structure to 200 square feet. The following table lists the maximum allowed and proposed areas of the freestanding signs on the property:

	<b>Maximum Allowed Sign Area</b>	<b>Sign Area Provided</b>
<b>Parcel 3, Hotel</b>	587.54 lineal feet of road frontage/5 = 117.51 sq. ft. allowed	100 sq. ft. (Existing Sign)
<b>Parcel 2, Gas Station</b>		
Medical Center Drive	274.57 lineal feet of road frontage/5 = 54.91 sq. ft. allowed	111.81 sq.ft.*
Gas Price Signs	25 sq. ft. for two prices 50 sq. ft. for three or more prices	49.8 sq. ft. for two prices**
Total Sign Area (Pylon Sign)	200 sq. ft.	161.61 sq. ft.
Brightseat Road	295.02 lineal feet of road frontage/5 = 59.0 sq. ft. allowed	19.84 sq. ft.
Gas Price Sign	25 sq. ft. for two gas prices 50 sq. ft. for three or more gas prices	10.83 sq. ft. for two prices
Total Sign Area (Monument Sign)	200 sq. ft.	30.67 sq. ft.

**Note:** \*The area of the 25-foot-high pylon sign is 111.81 square feet, whereas the maximum allowed area is 54.91 square feet. The area of this sign should be reduced to be no more than the maximum allowed.

\*\*Per Section 27-614(c)(6) of the prior Zoning Ordinance, the area of a gas price sign cannot exceed 25 square feet if it reflects the price of 2 types of gasoline, and cannot exceed 50 square feet if it reflects the price of 3 or more types of gasoline. The area of the proposed gas price sign included in the pylon sign is 49.8 square feet. The area of this sign should be reduced to be no more than the maximum allowed, or be revised to demonstrate that three or more types of gasoline are being advertised.

### **Lighting**

The lighting design for the site includes seven “shoebox” light fixtures which provide adequate light for safety, in accordance with Crime Prevention Through Environmental Design principles, while preventing light spillage on adjacent properties. Other lighting luminaires on-site include 24 recessed light fixtures mounted under the fuel island canopy, and wall-mounted fixtures on all 4 façades of the building. The placement of the light fixtures with respect to landscaping was reviewed to ensure that the landscape trees, when they reach their mature height and breadth, will not interfere with the lighting.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Prince George’s County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of Section 27-471 of the prior Zoning Ordinance, which governs development in the I-3 Zone; Division 3, regarding uses permitted in industrial zones of the Zoning Ordinance; and Section 27-285 of the prior Zoning Ordinance regarding Planning Board procedures with respect to DSPs, including required findings, and Section 27-274 of the prior Zoning Ordinance regarding design guidelines for DSPs of the Zoning Ordinance.

a. This application is subject to the requirements of Section 27-473(b), Uses Permitted in Industrial Zones, of the prior Zoning Ordinance.

The development proposed in this DSP is a gas station and food or beverage store. Specifically, the proposed use is a 7-Eleven store. In the I-3 Zone, Section 27-473 of the prior Zoning Ordinance permits a gas station, subject to approval of a special exception. SE-4845 was approved by the ZHE on July 26, 2022. A food or beverage store is permitted, subject to Footnote 42, which limits food or beverage stores to those in conjunction with “a gas station located within an industrial park, provided the uses are located within the same building.” In this case, the food or beverage store and the gas station will operate out of the same building.

b. Section 27-471 establishes requirements applicable in the I-3 Zone, as follows:

### **(c) Outside uses.**

**(1) With the exception of off-street parking and loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), vehicle rental lots, and public utility uses, all uses allowed in the Table**

**of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.**

The proposed food and beverage store is intended to be located within a wholly enclosed building. No outdoor storage is proposed, and there will be no repair of vehicles conducted on-site.

**(f) Regulations.**

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The DSP addresses each of the applicable requirements related to parking, loading, signage and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). See Finding 9 of this approval for a full discussion of the project's conformance to the requirements of the Landscape Manual. See Findings 12 and 13 regarding conformance with the required findings regarding DSP and the preservation and restoration of environmental features.

- (2) Not more than 25 percent (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional 15 percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.**

Regarding the percentage of parking in the yard, to which the building's main entrance is oriented, 29 percent (9 parking spaces out of 31 total) of the parking spaces are located in this yard. As a result, the applicant requests that the Planning Board approve an increase from 25 percent to 29 percent. The site is designed to allow vehicles to circulate around the building, to improve the flow of traffic between the building and the gas pumps. In addition, the distribution of parking around the building allows customers to park as close to the building as possible. Since the building is longer along its front façade, the number of spaces along this façade is larger than those on the side facades. In the rear of the building, the rear driveway limits the number of parking spaces which can be located. This results in a minor increase in the percentage of parking in the front of the building, which is the yard to which the building's main entrance is located. Given the nature of the use, providing parking at the front of the building is essential to its operation and facilitates

the flow of traffic between the gas pumps and the building. Thus, a modest increase of four percent is requested.

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

There is one loading space proposed on the southeast side of the property. This location is adjacent to Medical Center Drive, but is set back approximately 100 feet from the right-of-way and is adequately screened.

**(h) Required access.**

- (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

Access to the property was addressed at the time of DSP-15021 approval, at which time direct access to the Capital Beltway and Medical Center Drive was denied. Access to the subject site is proposed from Brightseat Road, which is an 80-foot right-of-way. The proposed development conforms to this requirement.

**(i) Minimum area for the development.**

- (1) The minimum area for the development of any Planned Industrial/Employment Park shall be twenty-five (25) gross acres.**
- (2) If the area is less than twenty-five (25) acres but not less than fifteen (15) acres, the property may be classified in the I-3 Zone when the property adjoins property in the C-O Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (3) If the area is less than twenty-five (25) acres, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (4) If the area is less than twenty-five (25) acres, and the land was classified in the I-3 Zone prior to October 31, 1977, or upon approval of a Sectional Map Amendment, it may be developed in accordance with this Part, provided the owner of record does not own abutting undeveloped land in the I-3, E-I-A, or C-O Zone that could be used to comply with the provisions of paragraph (1), (2), or (3), above.**

The property, which is the subject of this DSP, was classified in the I-3 Zone by a sectional map amendment approved on November 8, 1977. The owner of record does not own abutting undeveloped land that could be used to conform to the minimum acreage requirements.

- c. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274, and as cross-referenced in Section 27-283 of the prior Zoning Ordinance. The subject property was included in DSP-15021, which established two development pads for two hotels. While the subject property is now proposed for the use of a gas station with a food or beverage store, in lieu of a hotel, site design guidelines have previously been evaluated for conformance with DSP-15021. As part of the approval of DSP-15021, the appropriate points of access to the site, grading, and SWM techniques were reviewed. The proposed new use does not alter those prior findings. The development included with DSP-15021-01 provides detailed design of the proposed convenience store, and site infrastructure and features. The subject development provides amenities that are functional and constructed of durable, low-maintenance materials; vehicular and pedestrian access is provided to the site from the public right-of-way.

The DSP includes the following design details:

- The parking lot has been designed to provide safe and efficient vehicular and pedestrian circulation within the site. The parking spaces have been designed to be located near the use that it serves, and the parking aisles have been oriented and designed to minimize the number of parking lanes crossed by pedestrians.
- The site layout shows parking located along the front, rear, and sides of the proposed building. Also, the DSP depicts two entrance drives into the site from a shared driveway, which provides access to Brightseat Road. The location and design of these entrance drives provide adequate space for queuing.
- Plant materials have been added to the parking lots, to avoid large expanses of pavement.
- The loading space is located on the southeast side of the property, to avoid conflicts with vehicles or pedestrians. The service areas are located away from primary roads, and are effectively screened with landscape planting and an enclosure compatible with the primary building.
- Internal signs, such as directional arrows, lane markings, and other roadway commands, are used to facilitate safe driving through the parking lot.
- Full cut-off light fixtures are used throughout the site. The lighting design was reviewed with SE-4845 and was further reviewed with this DSP. The luminosity, design, and location of exterior fixtures enhance user safety and minimize vehicular/pedestrian conflicts and enhance building entrances and pedestrian pathways. The pattern of light pooling is directed into the site, to ensure that no excessive lighting spills over to adjacent properties. Light

fixtures are durable and compatible with the scale, architecture, and use of the site.

- The site landscaping complies with all the requirements of the Landscape Manual, and native species are used throughout the development.
  - Building architecture and materials are high-quality and visually interesting, and compatible with the architecture of the neighboring hotel building.
- d. The proposed development is required to provide parking, in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. Thirty-one spaces are provided for the proposed development. The parking provided on-site is sufficient for the proposed development because it surpasses the number of parking spaces required pursuant to Section 27-568 of the prior Zoning Ordinance.

**8. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it has a previously approved tree conservation plan. A Type 2 Tree Conservation Plan (TCP2-026-2015-02) was submitted with the DSP application. No additional clearing is proposed as part of this submission. The TCP2 worksheet reflects the previously approved TCP2-026-2015-01 worksheet. The site is 5.30 acres, has a woodland conservation threshold of 0.80 acre (15 percent), and a total requirement of 2.09 acres. TCP2-026-2015-01 approved 4.60 acres of woodland clearing, and 0.60 acre of woodland on-site designated as Woodland Preservation Area Not Credited (WP-NC). The 0.60-acre WP-NC is less than 50 feet wide in several places, therefore, it could not be used to meet woodland conservation requirements. The woodland conservation requirement was met with 2.09 acres of off-site woodland conservation (Liber 39536 Folio 334), which was acquired with the implementation of permits in conformance with TCP2-026-2015.

**9. 2010 Prince George's County Landscape Manual**—Per Section 27-471(b) of the prior Zoning Ordinance, landscaping, screening, and buffering for development in the I-3 Zone is subject to the provisions of the Landscape Manual. Specifically, this application is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The landscape plans provided with the subject DSP contains the required schedules demonstrating conformance to these requirements.

**10. Prince George's County Tree Canopy Coverage Ordinance**—The DSP is subject to the requirements of Subtitle 25, Division 3, the Prince George's County Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit that propose 5,000 square feet or greater of gross floor area or disturbance. Properties zoned I-3 are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. TCC requirements for the original Parcel 1 was addressed with DSP-15021. Proposed Parcel 3, which contains the existing hotel building, will still meet the TCC requirements. However, a schedule should be added to the DSP to demonstrate conformance of Parcel 3 to the TCC requirements. The development acreage of

Parcel 2 included in this application is 2.0 acres, resulting in a TCC requirement of 0.20 acre, or 8,172 square feet. The subject DSP provides the required schedule to demonstrate conformance to the TCC requirements for Parcel 2.

**11. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are adopted herein by reference and main points are summarized, as follows:

- a. **Historic Preservation**—In a memorandum dated March 15, 2023 (Stabler, Smith, and Chisholm to Gupta), the Historic Preservation Section offered the following comments:
  - (1) The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan) includes goals and policies related to historic preservation (pages 287–296). However, these are not specific to the subject site or applicable to the proposed development.
  - (2) A Phase I archeology survey was completed on the subject property in 1995. One archeological site was identified—18PR507, a prehistoric lithic scatter. No further investigations were requested on the site. No additional archeological investigations are necessary on the subject property. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources. The subject proposal will not affect any County historic sites or resources.
- b. **Community Planning**—In a memorandum dated March 8, 2023 (Nair to Gupta), the Community Planning Division stated that, pursuant to Subtitle 27, Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated March 22, 2023 (Ryan to Gupta), the Transportation Planning Section provided the following comments:

**Prior Conditions of Approval**

The site is subject to approval of Final Plat 5-15059, which established adequacy for two development options for the site, of which the second option included a convenience store with 12 fueling pumps. The site is also subject to SE-4845, which was approved for a 3,939-square-foot convenience store with 16 fueling pumps. In addition, the site is subject to CSP-21006, PPS 4-22006, and ADQ-2022-037. The relevant conditions of approval related to transportation are addressed under Finding 5.

**Master Plan Compliance**

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan.

**Master Plan Roads**

The subject property has frontage on Brightseat Road (C-412). Per the MPOT and master plan, the portion of Brightseat Road that fronts the subject property is designated as a four-lane collector roadway with an ultimate right-of-way of 80 feet.



The DSP accurately depicts the existing configuration of Brightseat Road, along the property's frontage, with a variable width right-of-way which exceeds 80 feet, along the majority of the property's frontage. However, a small area along the southwest corner of the site will need additional dedication to meet the master plan(s) recommendations and to facilitate future sidewalk connections, as shown on the plan sheets. The DSP shows the additional dedication and the total acreage for the area to be dedicated. This portion of Brightseat Road has already been constructed.

The MPOT recommends a bicycle lane along the site's frontage of Brightseat Road. The bicycle lane is reflected on the PPS and staff find that the existing and recommended right of-way is consistent with the master plan recommendations and is sufficient to accommodate the recommended bike lane.

The subject property also has frontage on Medical Center Drive (A-30). Per the MPOT, the portion of Medical Center Drive that fronts the subject property is designated as a six-lane arterial roadway, with an ultimate right-of-way of 120 to 150 feet. The MPOT does not contain any recommendations regarding right-of-way width or lane configuration for this portion of Medical Center Drive. The DSP displays the existing configuration of Medical Center Drive as a variable width right-of-way with six lanes of travel, which is consistent with MPOT recommendations. This portion of Medical Center Drive has already been constructed, and as such, no additional right-of-way dedication is required with this application.

#### **Master Plan Pedestrian and Bicycle Facilities**

This development case is subject to the MPOT, which recommends the following facilities:

- **Planned Bicycle Lane: Brightseat Road**

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

The DSP displays a continuous sidewalk and a bicycle lane along the site's frontage of Brightseat Road. A sidewalk has already been constructed along the south side of the site access driveway, which provides a pedestrian connection from Brightseat Road to the existing hotel on-site. On-site sidewalks and crosswalks, in accordance with the recommendations of the MPOT, are provided on the DSP. Staff find these facilities adequately serve the goals and policies, as stated in the MPOT and master plan, and further bicycle and pedestrian movement within the site and its immediate surroundings.

Regarding the master plan's recommended transportation policies and strategies in Living Area C (Zone 1), the DSP shows sufficient right-of-way to support the facilities referenced in the above strategies, along Brightseat Road and Medical Center Drive (formerly Arena Drive). However, staff does not recommend the implementation of bike lanes/side path along the property frontage with Medical Center Drive, due to safety concerns given its close proximity with the Capital Beltway interchange. In addition, there is an existing 8-foot-wide shared-use path on the opposite side of the street that is buffered from Medical Center Drive, that pedestrians and cyclists can use.

Sidewalks are present along the frontage of Brightseat Road. Details of on-site sidewalks and crosswalks connecting pedestrians to the parcels and Brightseat Road are provided on the DSP.

## **Transportation Planning Review**

### **Zoning Ordinance Compliance**

Section 27-283 discusses transportation and circulation requirements for a DSP, and includes the following design guidelines in Section 27-274(a) of the prior Zoning Ordinance:

#### **(2) Parking, loading, and circulation.**

**(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:**

**(ix) Pedestrian and vehicular circulation routes should generally be separate and clearly marked;**

**(x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and**

**(xi) Barrier-free pathways to accommodate the handicapped should be provided.**

The applicant proposes a single point of vehicle access (which is already constructed) along Brightseat Road, which will be shared with the existing hotel. Upon entering the internal access road along Brightseat Road, the subject site is

located immediately to the south. Staff find the site access to the proposed development to be sufficient. In addition, the internal roadways are confined only to the site, thereby ensuring that no cut-through traffic will take place from any neighboring developments. The proposed use results in a requirement of 28 on-site parking spaces and one loading space. The applicant's submission displays 31 parking spaces and one loading space. Staff find the proposed parking to be in conformance with the zoning ordinance.

The applicant has also submitted truck-turning plans displaying heavy vehicle movement throughout the site. The truck turning plans indicate that a WB-50 intermediate semi-trailer cannot safely maneuver within the site without making contact with a curb. Specifically, trucks appear to make contact with the curb area along the western edge of the site directly west of the fuel island canopy, the curb area directly southeast of the proposed convenience store, and the curb area at the eastern point of vehicle access where heavy vehicles depart the site. To ensure safe vehicular movement on-site, prior to certification of the DSP, staff has provided a condition for the applicant to update the site layout. The updated site layout shall provide a vehicular path of sufficient width for a WB-50 intermediate semi-trailer to safely maneuver through the site, without making contact with any curbs or other site features that could result in vehicular conflict.

The latest DSP submission displays a sidewalk along the site's frontage, along Brightseat Road, as well as an internal sidewalk that surrounds the convenience store. A series of crosswalks are also shown on the DSP, which provide pedestrian connections where sidewalk facilities are interrupted. Bicycle parking has been provided at the front of the convenience store, per staff request. Staff find that the site access and circulation are sufficient and meet the required findings of the Zoning Ordinance for a DSP.

- d. **Subdivision**—In a memorandum dated March 21, 2023 (Heath to Gupta), the Subdivision Section offered the following comments:
  - (1) The property is subject to PPS 4-22006, which was approved by the Planning Board on March 16, 2023 (PGCPB Resolution No. 2023-32). The PPS approved two parcels for the development of 51,674 square feet of commercial development (47,624 square feet of which currently exists). This PPS supersedes Final Plat of Resubdivision 5-15059, which was approved by the Planning Board (PGCPB Resolution No. 16-26) on July 7, 2016. A new final plat will be required pursuant to the current approved PPS, prior to approval of permits.
  - (2) Technical corrections are needed, to ensure the accuracy of information provided on the plan drawing and in the general notes.
- e. **Environmental Planning**—In a memorandum dated March 20, 2023 (Meoli to Gupta), the Environmental Planning Section determined that the development is acceptable, with conditions relating to the TCP2.

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
DSP-87063-03	TCP1-044-91	Planning Board	Approved	6/13/1991	91-210
4-91067	N/A	Planning Board	Approved	6/27/1991	91-230
NRI-090-2015	N/A	Staff	Approved	7/7/2015	N/A
DSP-15021	TCP2-026-2015	Planning Board	Approved	2/18/2016	16-21
SE-4845	TCP2-026-2015-01	Zoning Hearing Examiner	Approved	7/26/2022	N/A
NRI-90-2015-01	N/A	Staff	Approved	10/05/2022	N/A
CSP-21006	TCP1-003-2023	Planning Board	Approved	3/2/2023	2023-22
4-22006	TCP1-003-2023-01	Planning Board	Approved	3/16/2023	2023-32
DSP-15021-01	TCP2-026-2015-02	Planning board	Pending	Pending	Pending

### Site Description

The 5.3-acre subject property is located on the northeast side of the intersection of Medical Center Drive and Brightseat Road. An access ramp to the Capital Beltway lies to the east. This overall site was graded as part of the grading permit associated with DSP-15021 and is in conformance with TCP2-026-2015. There is 0.60 acre of existing woodland along the northern boundary of the property. No regulated environmental features (REF) are located on-site. Medical Center Drive is identified as a master-planned arterial roadway and Brightseat Road is identified as a collector roadway. The site is located within the Southwest Branch, which is a portion of the Western Branch watershed of the Patuxent River basin. According to the Sensitive Species Project Review Area map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* shows that the parcel is entirely within an evaluation area. The site is located within Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by the 2014 *Plan Prince George's 2035 Approved General Plan*.

### Review of Prior Approvals

The site was subject to DSP-87063-03, which annexed the parcel into a proposed 24-lot subdivision. PPS 4-91067 approved a 17-lot subdivision. Previous conditions of approval related to the use are not applicable to this application because the site design has changed.

DSP-15021 and TCP2-026-2015 were approved by the Planning Board on February 18, 2016. SE-4845 and TCP2-026-2015-01 were approved on July 26, 2022. All previous environmentally related conditions of approval applicable to the current application were addressed with CSP-21006 and Type 1 Tree Conservation Plan TCP1-003-2023, and PPS 4-22006 and TCP1-003-2023-01.

### Natural Resources Inventory

Natural Resources Inventory NRI-090-2015-01 was provided with this application. This NRI was approved on October 5, 2022. The site does not contain REFs. The TCP2 and DSP show all required information correctly, in conformance with the NRI. No additional information is required regarding the NRI.

### **Specimen Trees**

The site does not contain any specimen, champion, or historic trees.

### **Regulated Environmental Features**

Section 24-130(b)(5) of the prior Subdivision Regulations requires the following finding: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

No REFs exist on-site; therefore, none will be impacted by the proposed development, and staff find that the REFs have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirement of Section 24-130(b)(5).

### **Soils**

The predominant soils found to occur, per the United States Department of Agriculture, Natural Resources Conservation Services, Web Soil Survey, are Collington-Wist, Collington-Wist-Urban land, Udorthents highway, Urban land-Collington-Wist and Widewater and Issue soils. According to available information, Marlboro clay and Christiana complex are not identified on the property.

### **Stormwater Management**

An approved SWM Concept Plan (3656-2021-00) and approval letter were submitted with the subject application. The approval was issued on June 7, 2021, by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). The applicant proposes four micro-bioretenion facilities to treat stormwater for the entire project site. No further information pertaining to SWM is required.

- f. **Special Projects**—At the time of the writing of this technical staff report, the Special Projects Section did not offer comments on this application.
- g. **Permit Review**—In a memorandum dated March 21, 2023 (Bartlett to Gupta), the Permit Review Section offered several comments, which are incorporated as conditions of approval, as relevant.
- h. **Prince George’s County Department of Parks and Recreation (DPR)**—At the time of the writing of this technical staff report, DPR did not offer comments on the subject application.

- i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 21, 2023 (Giles to Gupta), DPIE offered the following comments on this proposal:
- (1) DSP-15021-01 is consistent with Site Development Concept Plan 3656-2021, which was approved on June 7, 2021.
  - (2) In the permitting stage, the applicant is to provide frontage improvements for Brightseat Road, per its status as a collector roadway in the MPOT. Improvements including but not limited to street lighting, signing and pavement marking, street trees, and maintenance of traffic.
  - (3) In the permitting stage, the applicant is to provide a bike lane along Brightseat Road, as per the MPOT.
  - (4) Medical Center Drive is a state roadway; as such, we defer all comments on Medical Center Drive to the Maryland State Highway Administration (SHA).
- j. **Prince George’s County Health Department**—In a memorandum dated February 17, 2023 (Adepoju to Gupta), the Health Department offered several comments on this proposal, which are incorporated as conditions of approval, as relevant.
- k. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer comments on the subject application.
- l. **City of Glenarden**—The subject property is located within one mile of the geographical boundaries of the City of Glenarden. The DSP application was referred to the City for review and comments on February 9, 2023. At the time of the writing of this technical staff report, no correspondence had been received from the City.
- m. **Prince George’s County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department did not offer comments on this application.
- n. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- o. **Prince George’s County Soil Conservation District (PGSCD)**—At the time of the writing of this technical staff report, PGSCD did not offer comments on the subject application.
- p. **Washington Metropolitan Area Transit Authority (WMATA)**—At the time of the writing of this technical staff report, WMATA did not offer comments on the subject application.

12. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, if approved with the conditions below, the DSP represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-285(b)(4) of the prior Zoning Ordinance requires that, for approval of a DSP, the REFs on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5). There are no REFs on the site; therefore, none will be impacted by the proposed development. Staff find that the REFs have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).

## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-15021-01, and Type 2 Tree Conservation Plan TCP2-026-2015-02, for Hyattsville Brightseat Road, subject to the following conditions:

1. Prior to certification of the detailed site plan, the following revisions shall be made, or information shall be provided:
  - a. Update General Note 1 on Sheet 3, to show the amount of square feet dedicated to Brightseat Road.
  - b. Provide dimensions from the centerline of Brightseat Road to the property line.
  - c. In General Note 4, identify that General Note 4A refers to Parcel 2.
  - d. Provide a width dimension for one of the parking spaces located in front of the building.
  - e. Provide a detail for the proposed 2-foot-high retaining wall located next to Brightseat Road, listing the color and building material. The material should complement the materials used for the convenience store building.
  - f. Revise General Note 35 to state that construction shall conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
  - g. Revise General Note 36 to add "During the construction phases of this project, no dust shall be allowed to cross over property lines and impact adjacent properties".
  - h. Provide a tree canopy coverage schedule for Parcel 3, to demonstrate conformance to the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as per Section 25-128 of the Prince George's County Code.

- i. Based on the submitted truck turning plans, modify the site layout to allow for a WB-50 intermediate semi-trailer to safely maneuver through the site. The exact design and truck turning plans, with design vehicle classification, shall be evaluated and accepted by the Transportation Planning Section.
  - j. Revise the proposed loading space to be 12 feet wide by 33 feet long, in accordance with Section 27-578(a) of the prior Prince George's County Zoning Ordinance.
  - k. Revise the signage chart to list the building length in accordance with that shown on the site plan.
  - l. Revise the signage chart to provide correct Prince George's County Code regulations for calculation of freestanding sign areas, including gas price signs.
  - m. Revise the area of the 25-foot-high pylon sign, so that the area is no more than the maximum allowed, per Section 27-614(c)(4) of the prior Prince George's County Zoning Ordinance.
  - n. Per Section 27-614(c)(6) of the prior Prince George's County Zoning Ordinance, revise the area of a gas price sign included in the pylon sign to be no more than the maximum allowed, or demonstrate that three or more types of gasoline are being advertised.
  - o. Relocate the monument sign to the south side of the Americans with Disabilities Act ramp. Provide an enlarged insert plan of the area around the monument sign, to clearly show its location, dimension, and setbacks.
  - p. Locate the two bicycle racks in an area with hard surfaces, near the front entrance to the convenience store building.
  - q. Provide a detail for the proposed handrail located near the Americans with Disabilities Act ramp.
  - r. On Sheet 1, General Note 3, delete the word "Existing".
  - s. On the site plan, please call out the location of the 4-foot aluminum fence.
  - t. On the site plan, add the location where the details can be found that depict the trash enclosure and the retaining wall.
2. Prior to the certification of the detailed site plan, the Type 2 tree conservation plan shall be revised as follows:
- a. Add the approval information for the -01 revision in the Environmental Planning Approval Block.
  - b. Depict the new property boundaries (based on Preliminary Plan of Subdivision 4-22006) on the plan and update the parcel information on Sheet 2 (black-lined version of the plan).



# HYATTSVILLE BRIGHTSEAT ROAD

DETAILED SITE PLAN

TCP2-026-2015-02

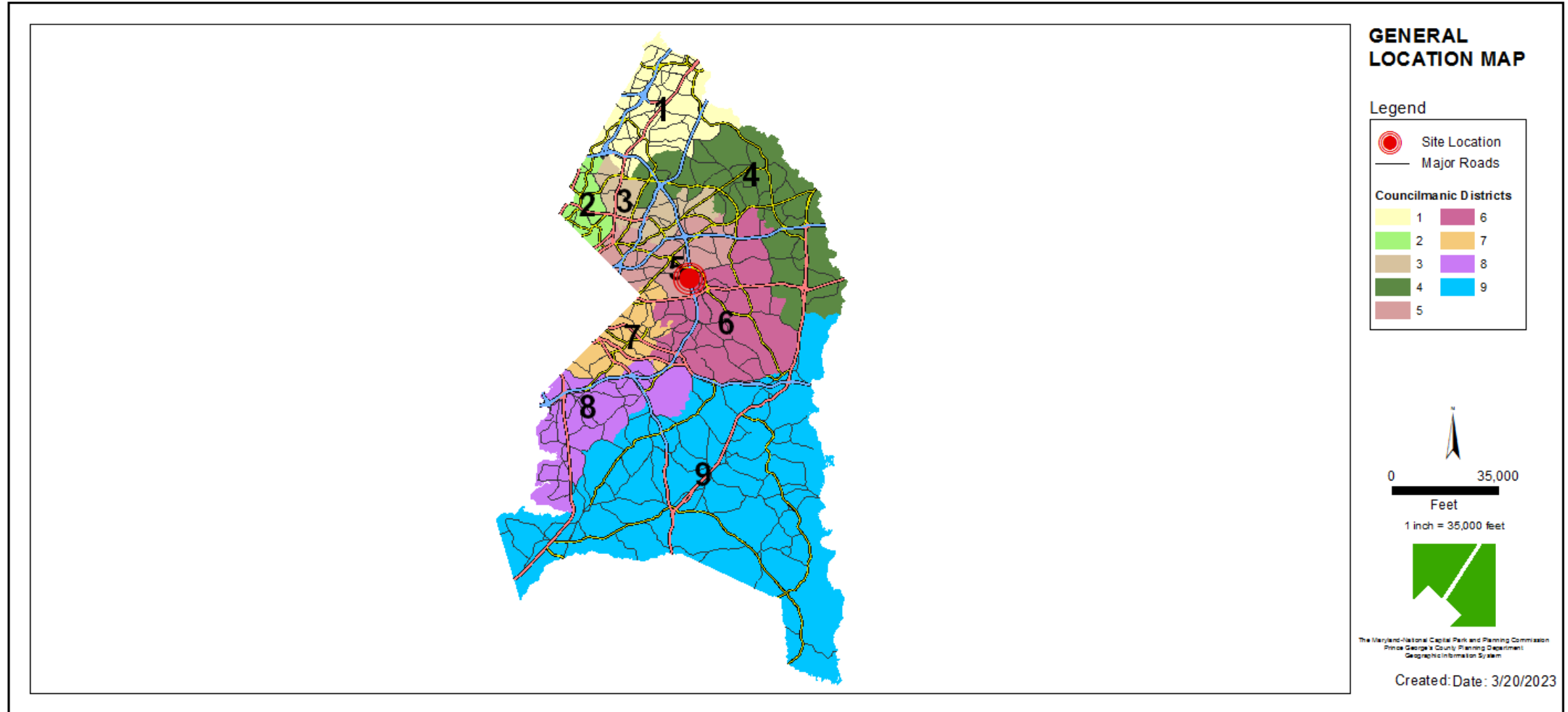
**Staff Recommendation: APPROVAL** with conditions



# GENERAL LOCATION MAP

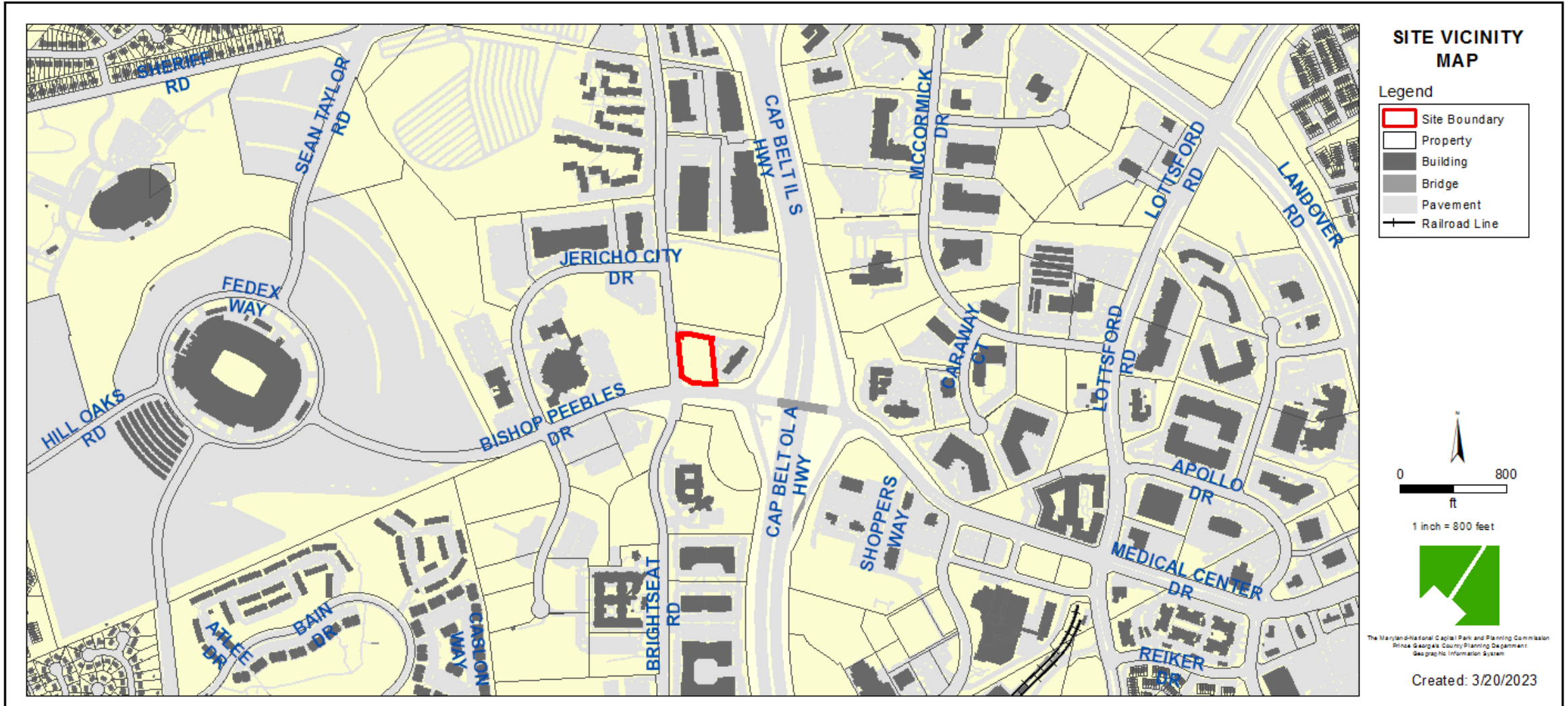
Council District: 05

Planning Area: 72





# SITE VICINITY MAP



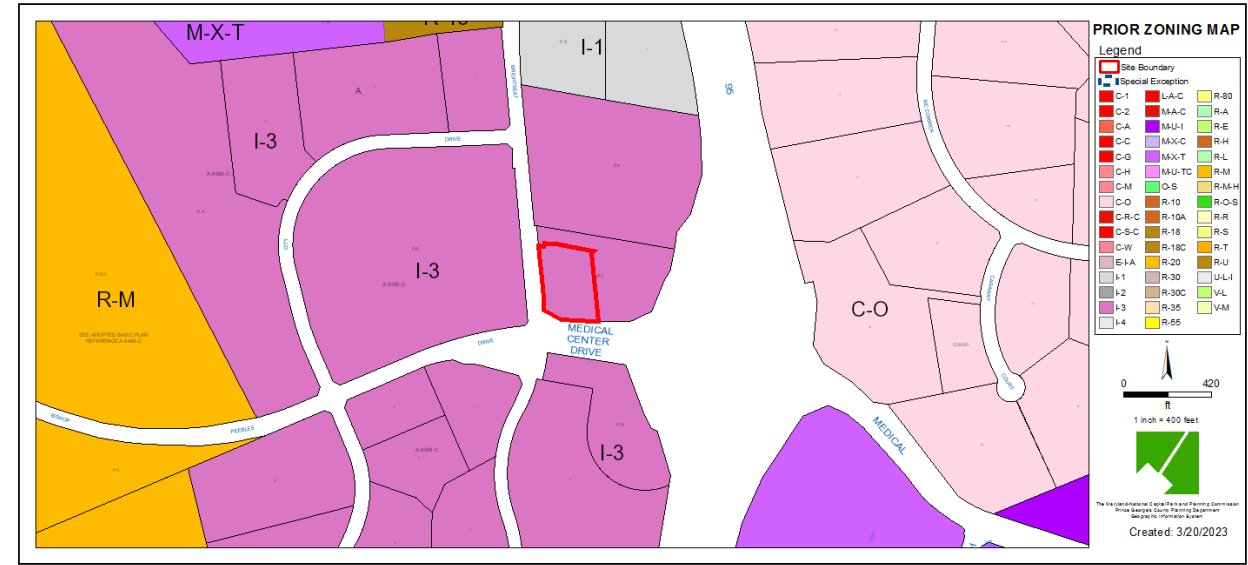
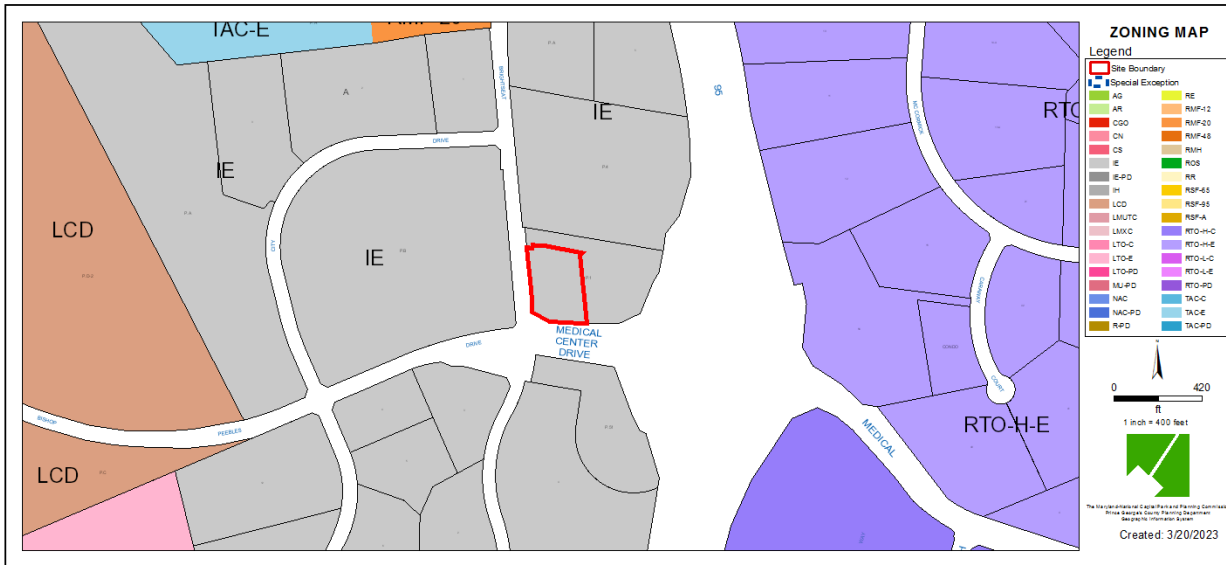
# ZONING MAP

Current Property Zone: IE

Prior Property Zone: I-3

CURRENT ZONING MAP

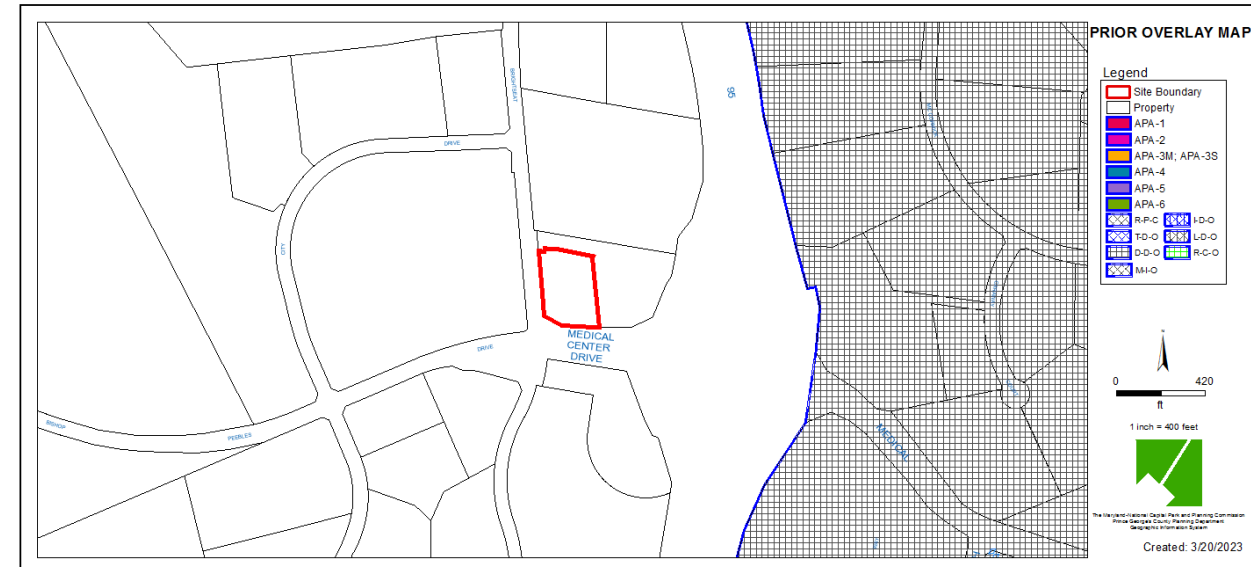
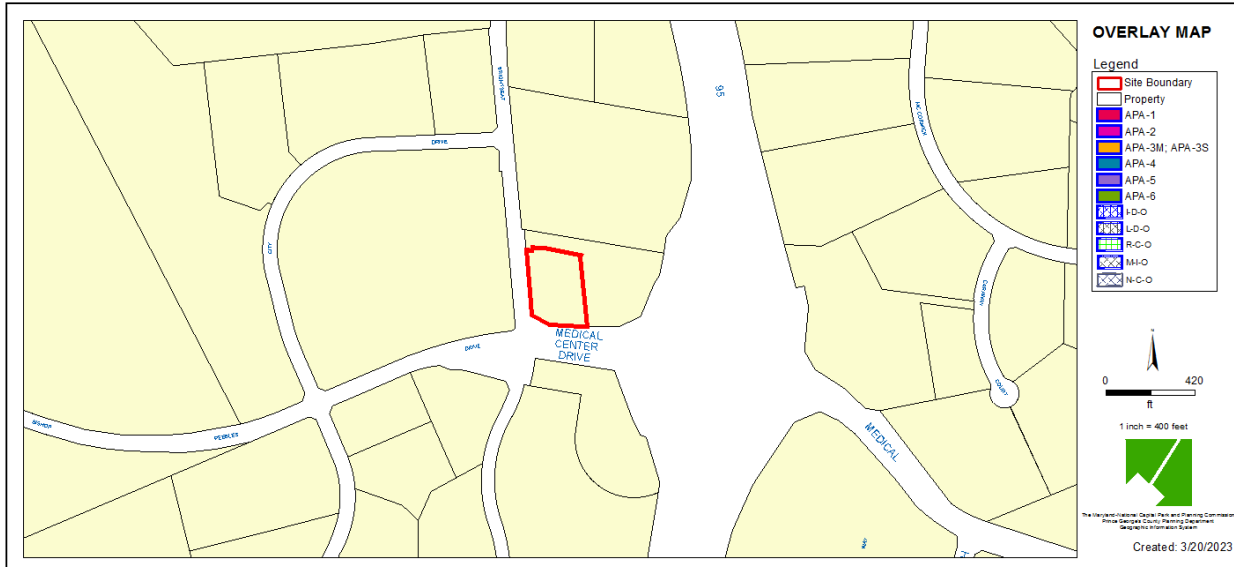
PRIOR ZONING MAP



# OVERLAY MAP

CURRENT OVERLAP MAP

PRIOR OVERLAP MAP



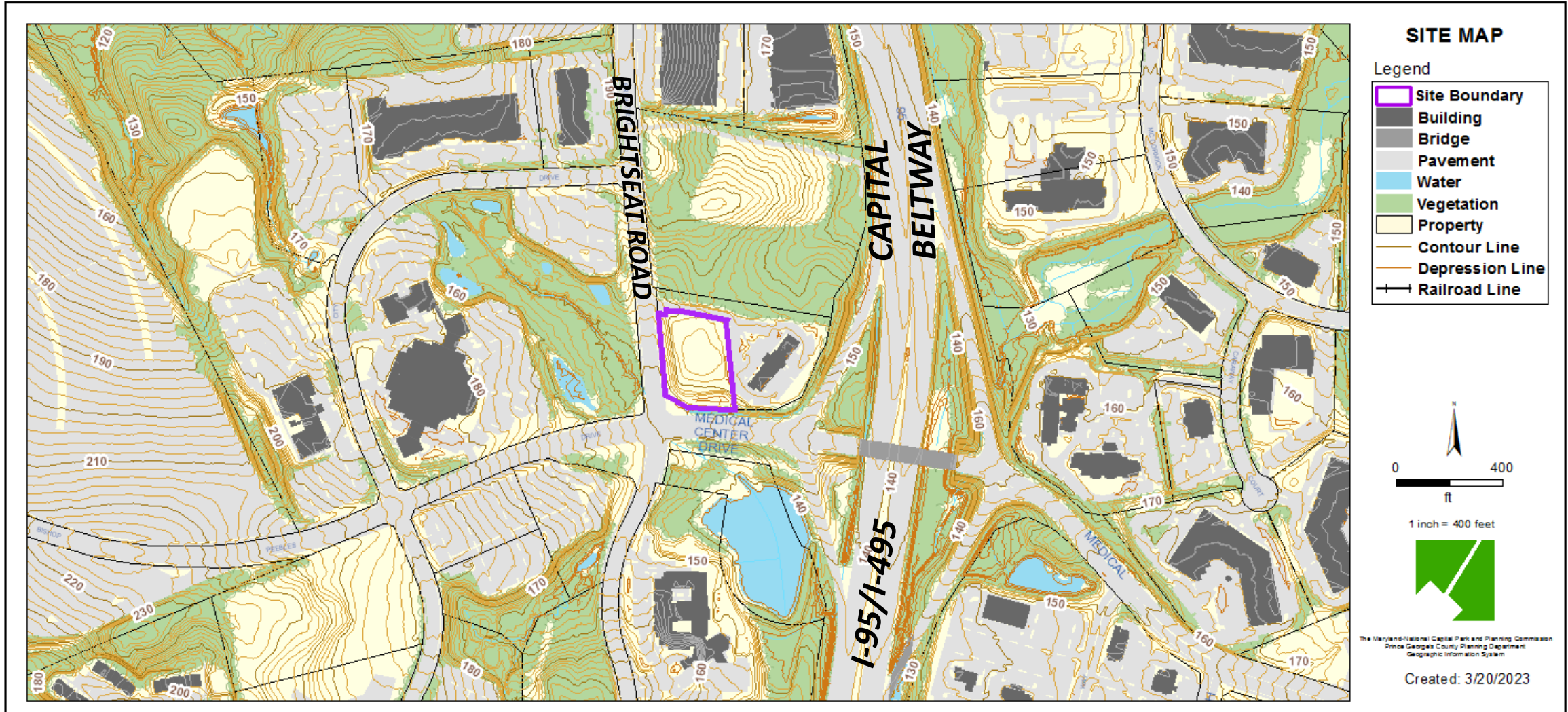


# AERIAL MAP

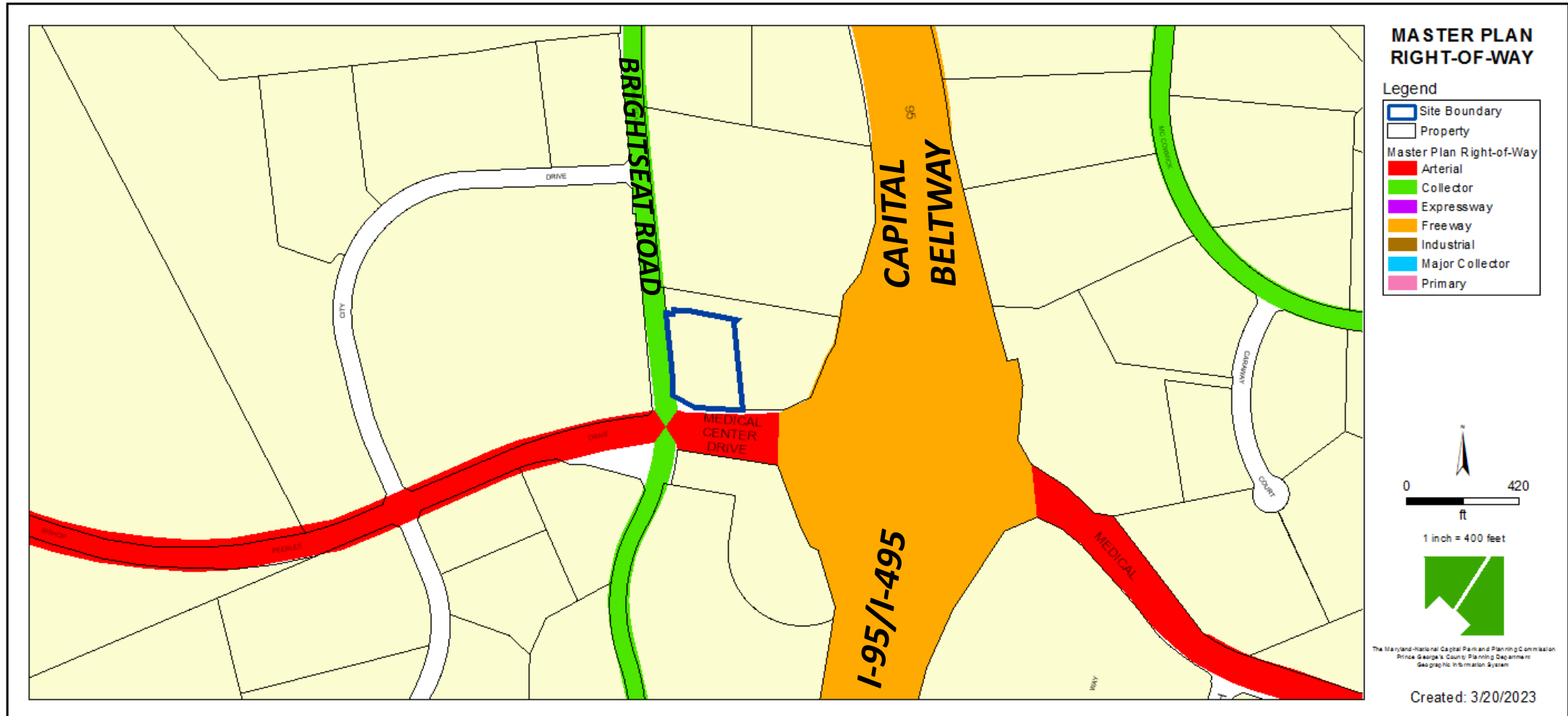




# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP





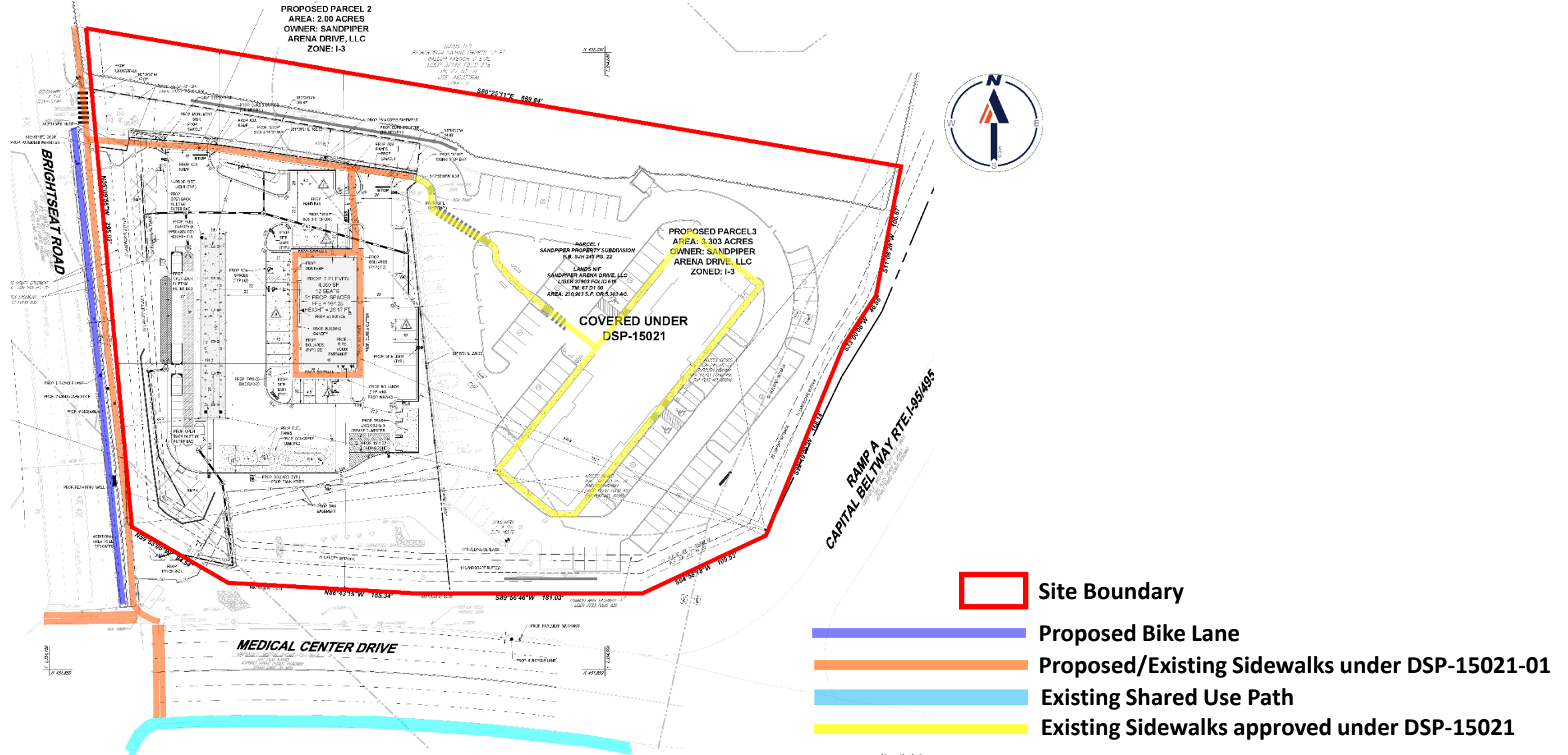
# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



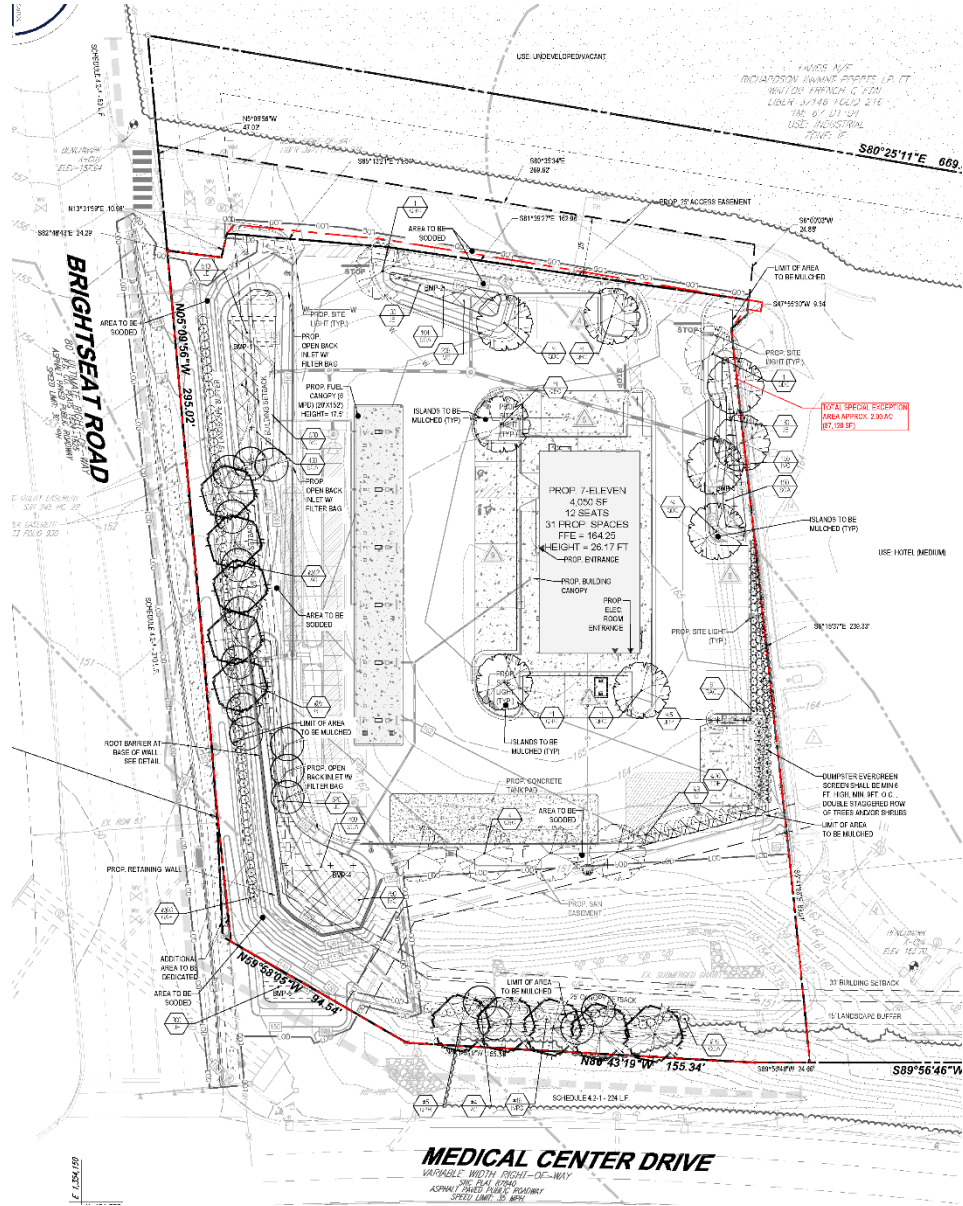




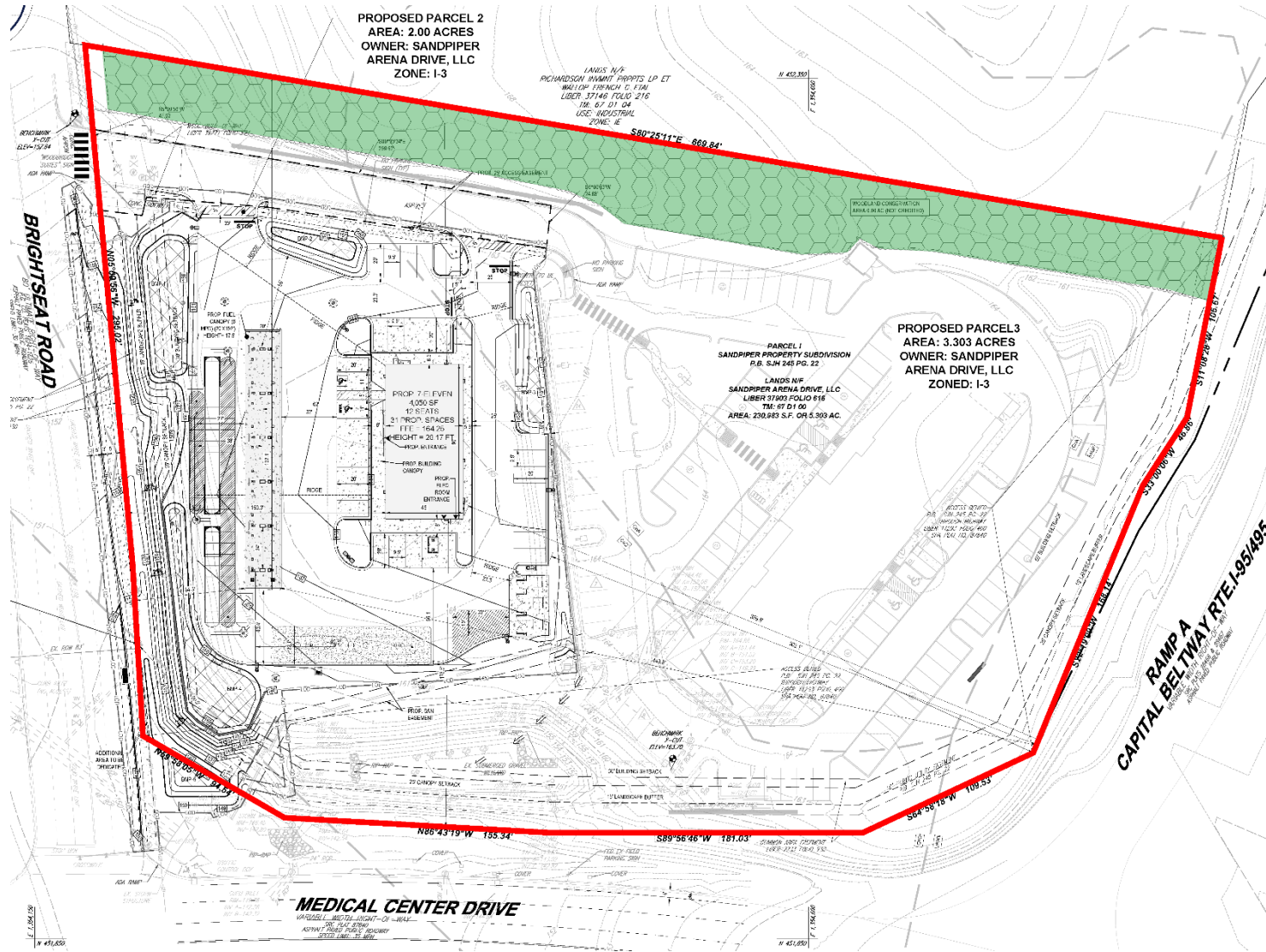
# PEDESTRIAN AND BICYCLE FACILITIES PLAN





# LANDSCAPE PLAN



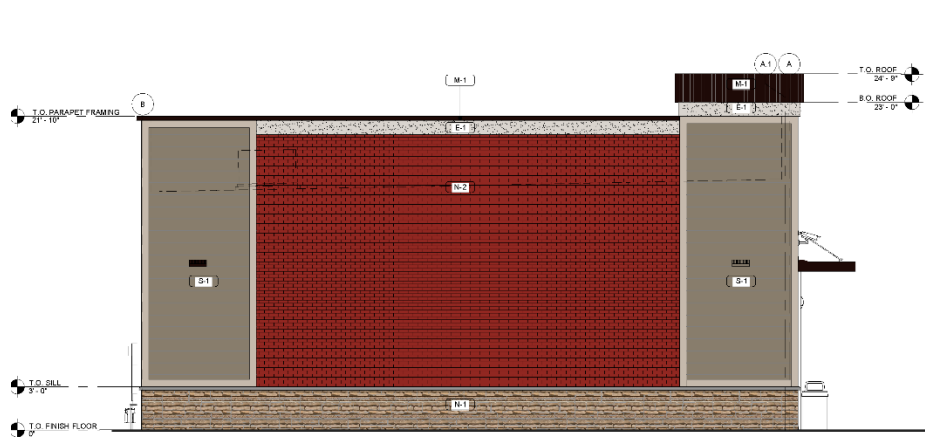
# TYPE 2 TREE CONSERVATION PLAN



-  Site Boundary
-  Woodland Conservation Area (Not Credited)

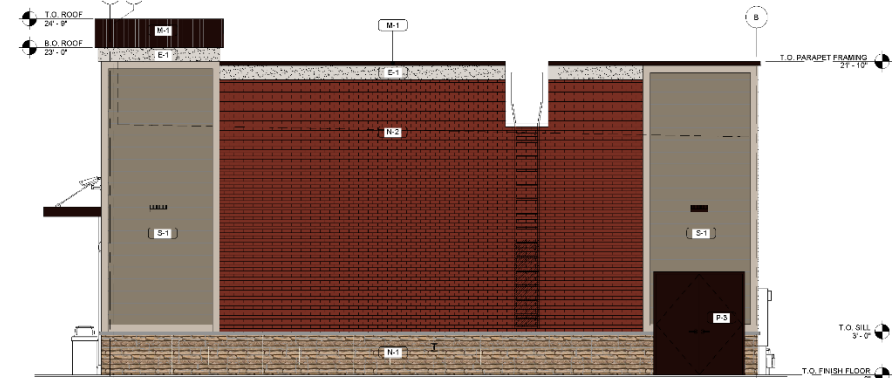


# ARCHITECTURAL ELEVATIONS



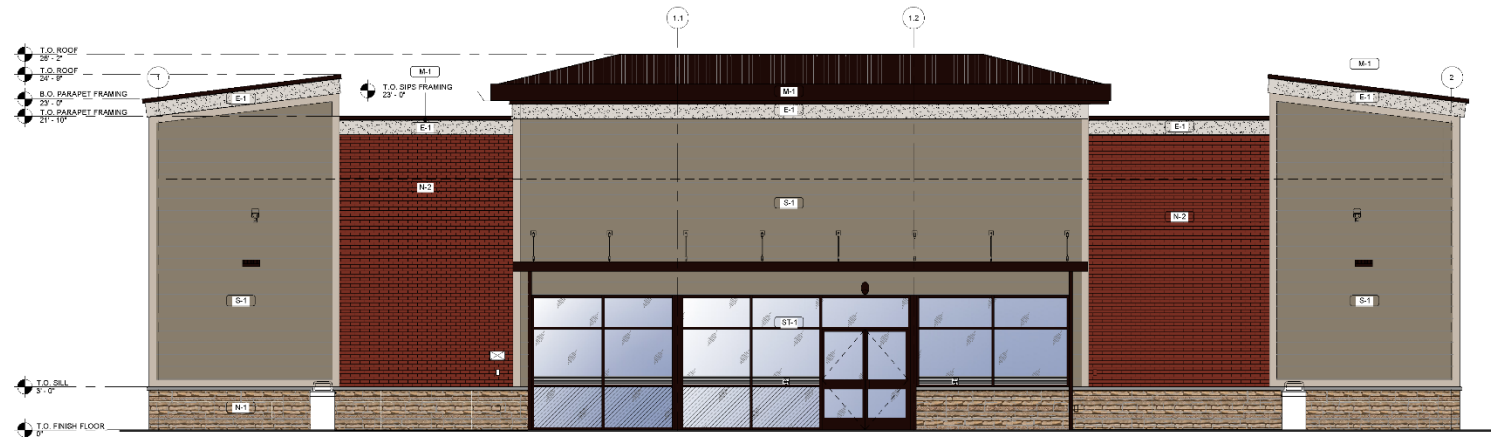
**NORTH ELEVATION**

SCALE 3/16" = 1'-0"



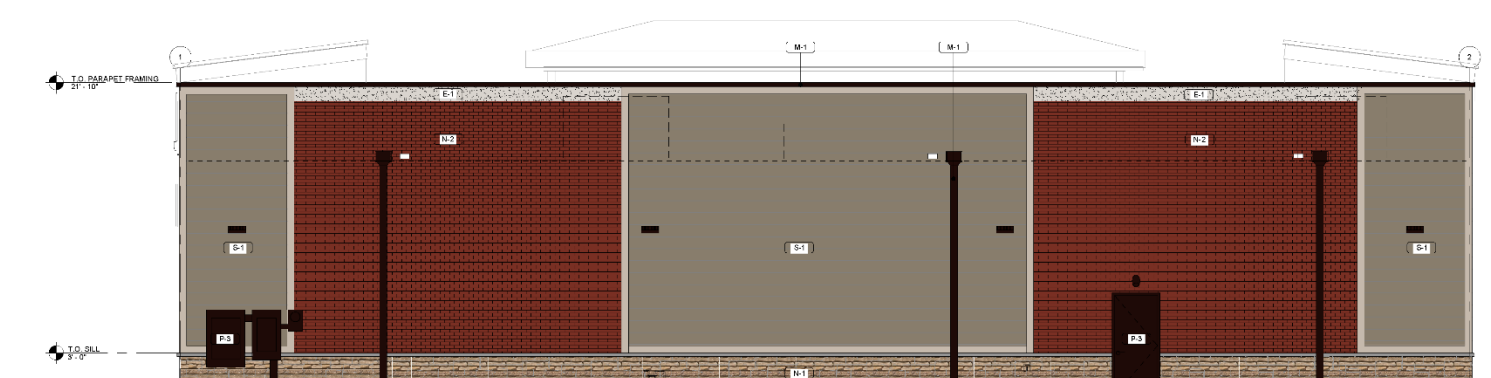
**SOUTH ELEVATION**

SCALE 3/16" = 1'-0"



**WEST ELEVATION**

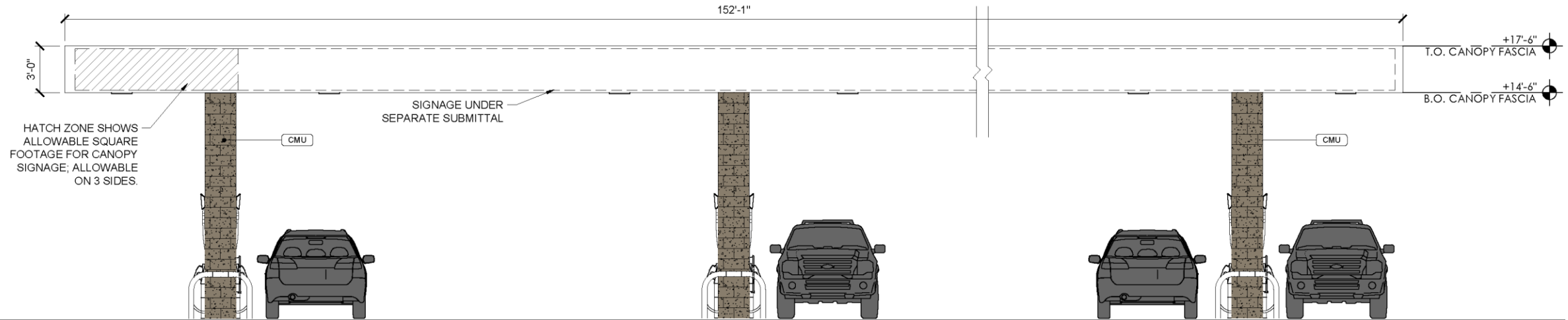
SCALE 3/16" = 1'-0"



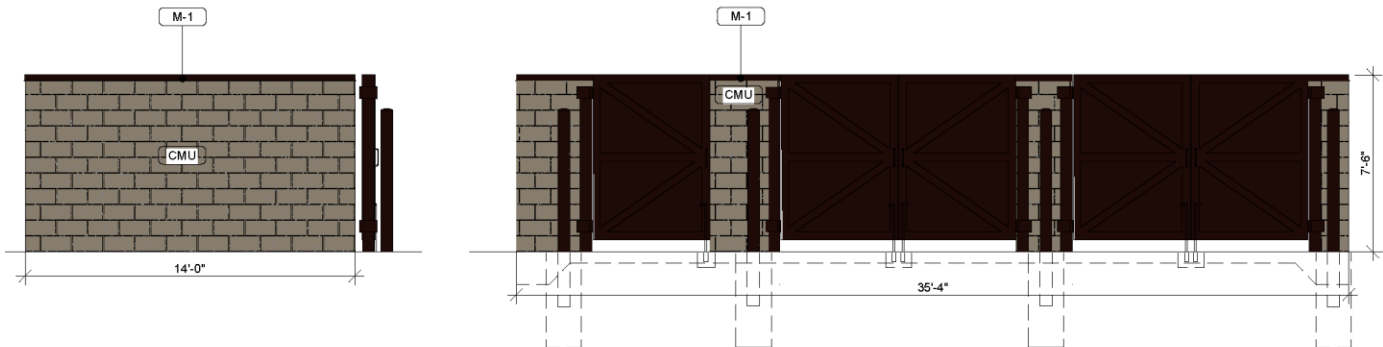
**EAST ELEVATION**

SCALE 3/16" = 1'-0"

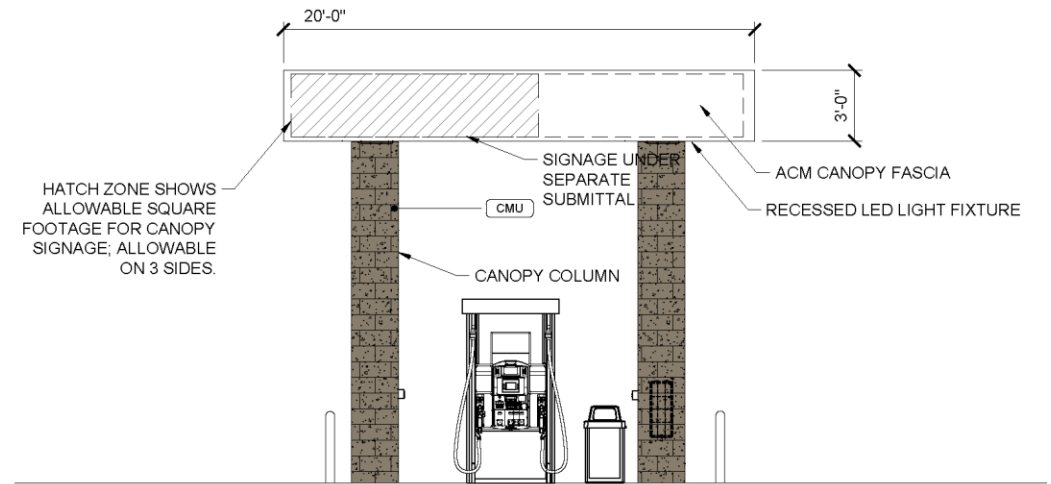
# ARCHITECTURAL ELEVATIONS



**5** **CANOPY ELEVATION - EAST / WEST - 6 MPD**  
 SCALE 3/16" = 1'-0"

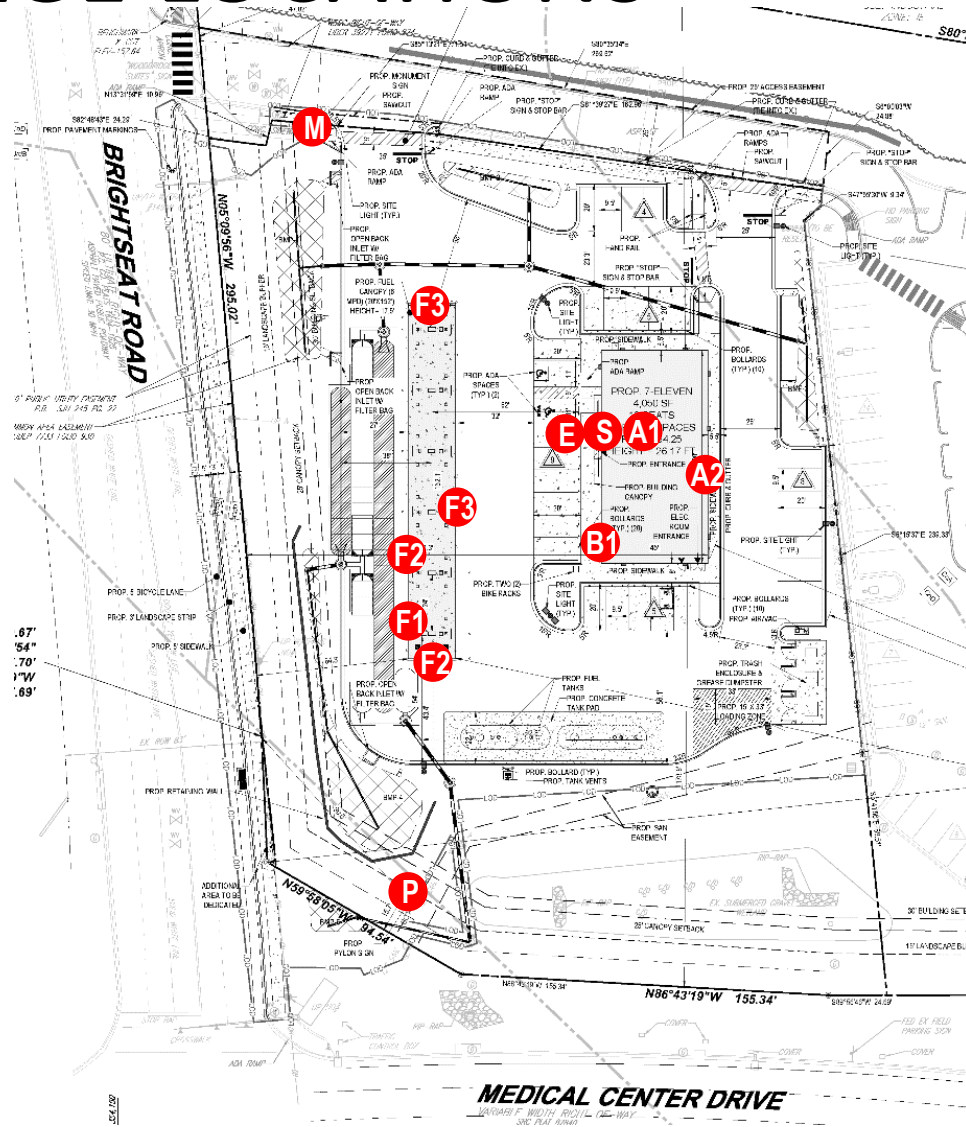


**6** **DUMPSTER ENCLOSURE ELEVATIONS**  
 SCALE 3/16" = 1'-0"



**7** **CANOPY ELEVATION - NORTH / SOUTH**  
 SCALE 3/16" = 1'-0"

# SIGNAGE LOCATIONS

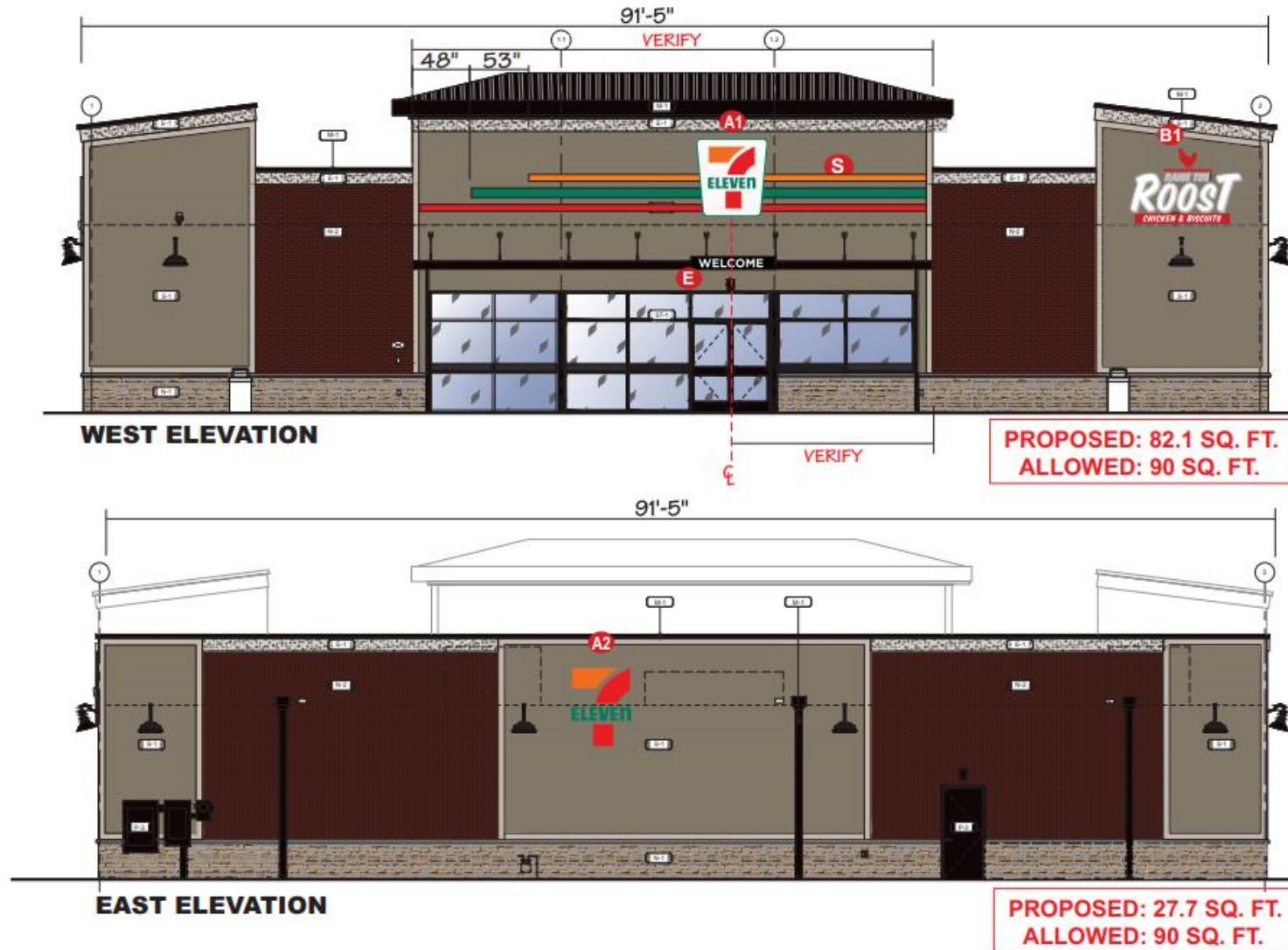


## SITE PLAN

PRODUCT LIST		
SQ. FT.	QTY	ITEM
<b>EXTERIOR BUILDING SIGNS</b>		
A1	33	1 6' SF KEYSTONE WALL SIGN
A2	27.7	1 6' WALL CHANNEL LOGO
B1	49.1	1 RAISE THE ROOST WALL SIGN
E	3.2	1 WELCOME LETTERS
S	N/A	1 CHANNEL STRIPES SET
<b>EXTERIOR GROUND SIGNS</b>		
P	135	1 DF PYLON SIGN
M	30.6	1 DF MONUMENT SIGN
<b>FUEL CANOPY FASCIA SIGNS &amp; DECORATION</b>		
F1	34.7	1 CHANNEL LETTER SET
F2	N/A	2 CHANNEL STRIPES SETS
F3	N/A	2 VINYL STRIPES SETS (BY OTHERS)

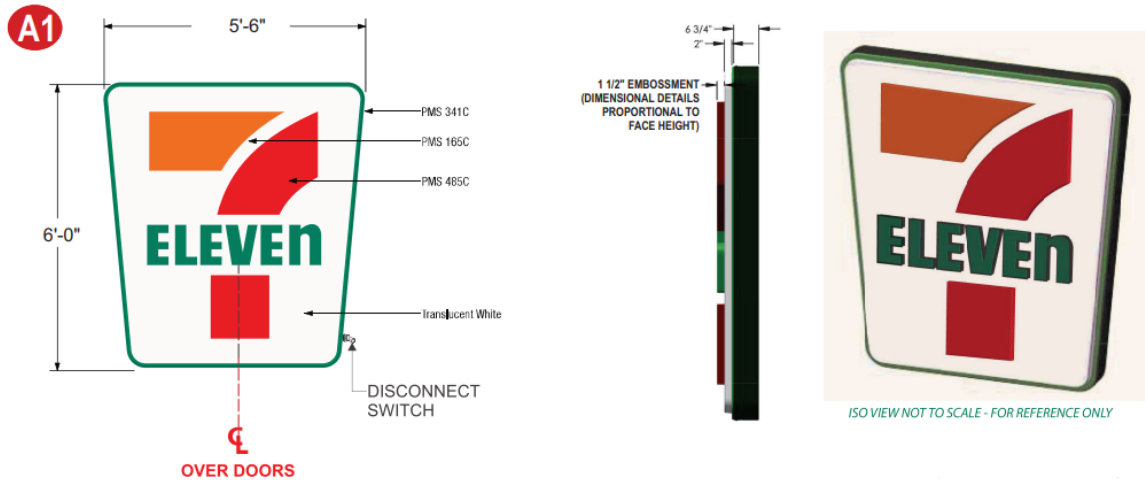


# WALL SIGNAGE LOCATIONS



# WALL SIGNAGE DETAILS

## 6' SF KEYSTONE WALL SIGN



EXTRUDED ALUM. CABINET, RETAINERS TO BE PAINTED GREEN TM PMS 341C ILLUMINATED WITH G.E. WHITE LEDS.

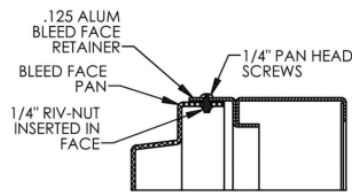
FACE-.150" PAN FORMED & EMBOSSED WHITE POLYCARBONATE FACE W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE.

**ELECTRICAL NOTES:**  
 TOTAL AMPS - 2.4 A  
 TOTAL CIRCUITS - 1 20A REQUIRED  
 VOLTS - 120 V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN \*\*Ø1/4" DRAINAGE/WEEP HOLES Ø.4" ON CENTERS OR AS REQUIRED BY UL MIN 12 MTW/THHN 1011/1015/1230/1335 600V or 1032 1000V 105C WIRE

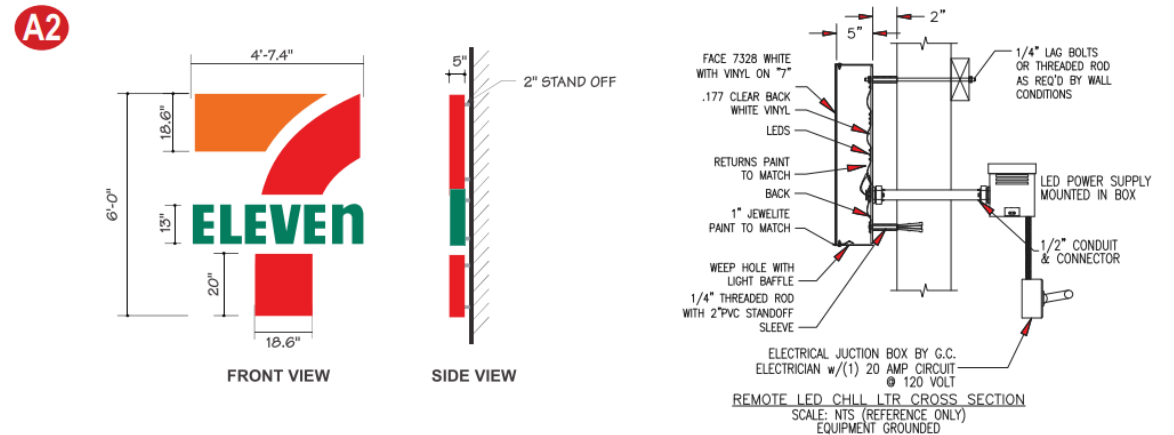
PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED AND SUPPORTED A MINIMUM OF .5" ABOVE THE BOTTOM OF SIGN.

- 3630-33
- 3630-44
- WHITE
- 3630-26



Display Square Footage (Cabinet): 33

## 6' WALL CHANNEL LOGO (FACE & HALO LIT)



**COLOR NOTES:**

BACKS: PH517000 CLEAR,.177 WITH PY711400 FILM,3M,#3635-30 WHITE  
 FACES: (1) PART OF 7" PH517080 WHITE,.177,(7328) WITH PY711050 FILM,3M,#3630-44 ORANGE  
 FACES: (2,3) PARTS OF 7" PH517080 WHITE,.177,(7328) WITH PY711035 FILM,3M,#3630-33 RED  
 FACES: "ELEVEN" PH517080 WHITE,.177,(7328) 3630-26GREEN VINYL - PY711030  
 JEWELITE: XC200110 JEWELITE,1 X 1/4",WHITE PAINT TO MATCH RETURN  
 RETURNS: CY890050 .050 X 5.33" MILL FINISH PAINT TO MATCH FACE COLOR  
 LED: EN400281 GE2/GEMM2471-W1

**GENERAL NOTES:**

SECURE THE TRIM CAP TO THE LETTER RETURN WITH AT LEAST (4) #8 SCREWS SPACED NO GREATER THAN  
 (A) 12" IF RETURN IS AT LEAST .031" THICK & LESS THAN .050" THICK  
 (B) 24" IF RETURN IS EQUAL TO OR GREATER THAN .050" THICK  
 ATTACH TO WALL WITH LAG SCREWS OR THREADED ROD AS REQUIRED BY WALL CONDITIONS

**ELECTRICAL NOTES:**

TOTAL AMPS - 2.2A  
 TOTAL CIRCUITS - 1 20A REQUIRED  
 VOLTS - 120V

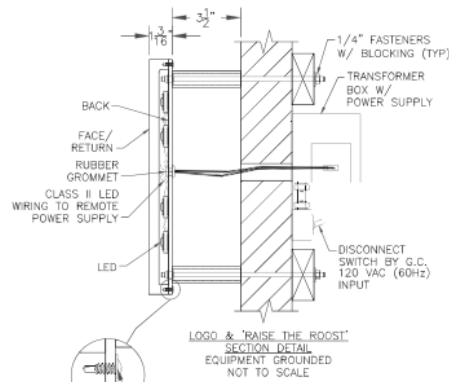
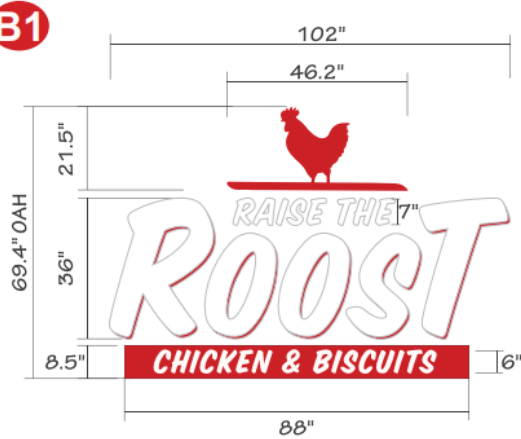
THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN, Ø1/4" DRAIN Ø.4" ON CENTERS OR AS REQUIRED BY UL. MIN 12 MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION

- 3630-33
- 3630-44
- WHITE
- 3630-26

Display Square Footage: 27.7

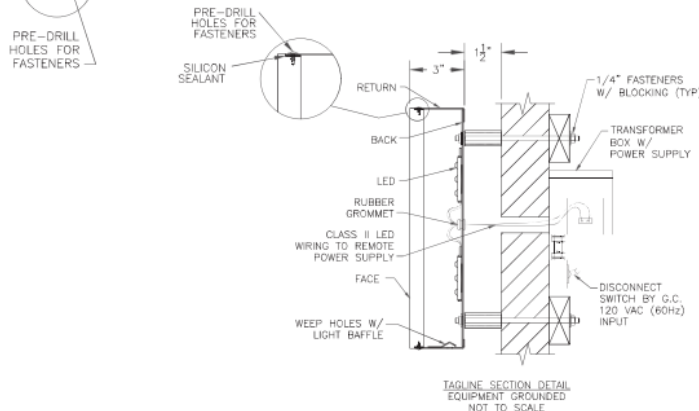
# WALL SIGNAGE DETAILS

## B1 ROUTED ACRYLIC / HALO ILLUMINATED LETTER SET



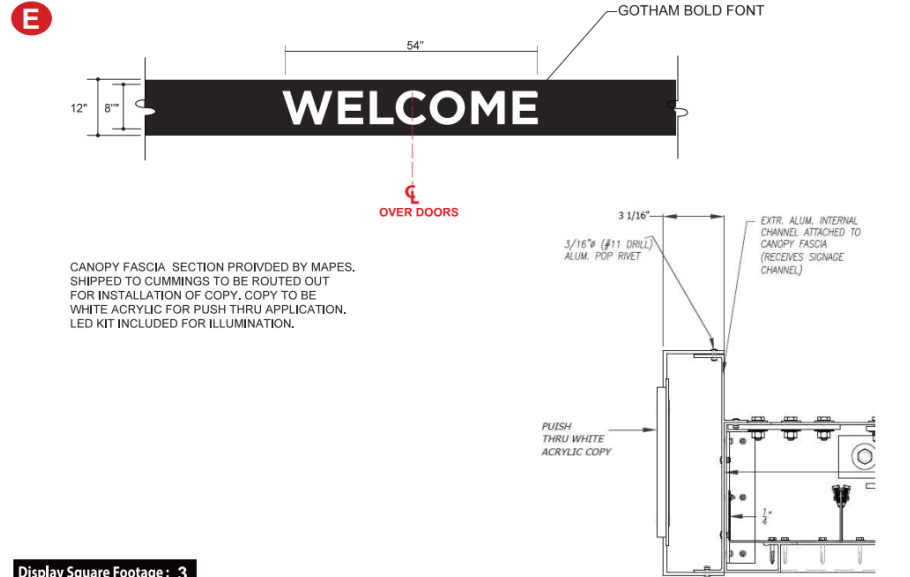
### ROUTED ACRYLIC HALO ILLUMINATED LETTER SET.

- LOGO TO BE HALO ILLUMINATED
- "RAISE THE" & "ROOST" COPY TO BE HALO ILLUMINATION.
- RED ACCENTS ON "ROOST" TO BE FACE ILLUMINATED.
- CLEAR ACRYLIC WITH CAVITY ROUTED FROM BACK.
- RETURNS - OPAQUE
  - 3630-53 (PMS 2350 CP)
  - WHITE
  - BLACK
- CHICKEN & BISCUITS TO BE FACE & HALO ILLUMINATED.



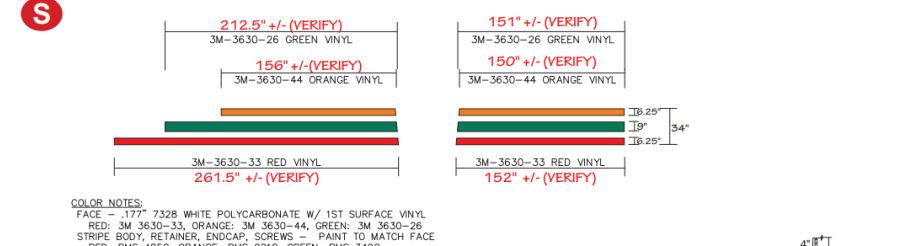
Display Square Footage : 49.1

## E ROUTED OUT PUSH THRU COPY - CANOPY MOUNT



Display Square Footage : 3

## S BUILDING TRI-STRIPE BAND CHANNEL SET

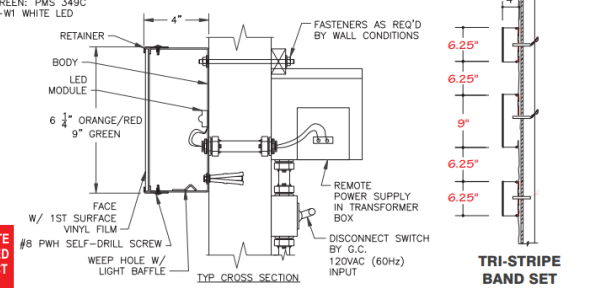


COLOR NOTES:  
 FACE - .177" 7328 WHITE POLYCARBONATE W/ 1ST SURFACE VINYL  
 RED: 3M 3630-33, ORANGE: 3M 3630-44, GREEN: 3M 3630-26  
 STRIPE BODY, RETAINER, ENDCAP, SCREWS - PAINT TO MATCH FACE  
 RED: PMS 485C, ORANGE: PMS 021C, GREEN: PMS 349C  
 ILLUMINATION - FACE LIT WITH GMX2471-W1 WHITE LED

**STOP MORE INFORMATION REQUIRED**

- DIMENSIONS
- COLORS
- MATERIAL
- MOUNTING TYPE
- OTHER

STRIPE LENGTH SIZES SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE. ESTIMATES PROVIDED BASED ON THE ABOVE SIZES ARE ALSO SUBJECT TO CHANGE. FIELD SURVEY REQUIRED PRIOR TO MANUFACTURING.

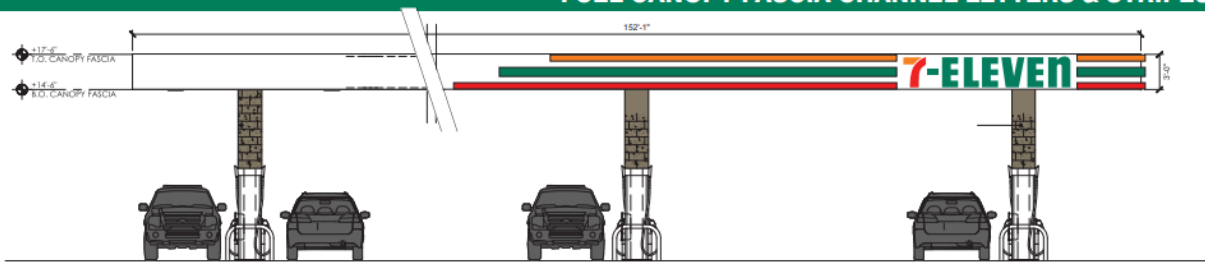


TRI-STRIPE BAND SET

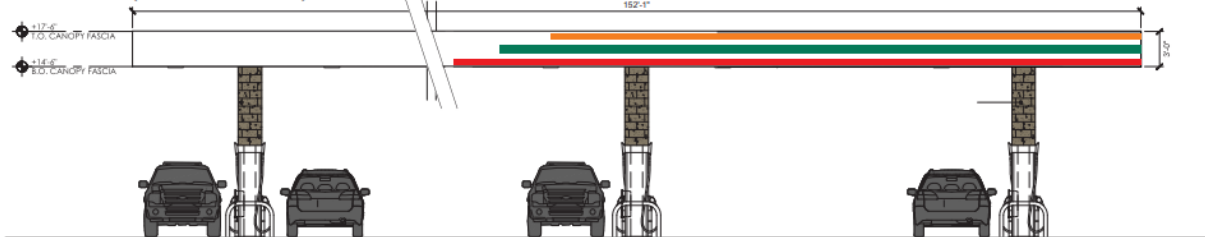
# FUEL CANOPY SIGNAGE DETAILS

## FUEL CANOPY FASCIA CHANNEL LETTERS & STRIPES

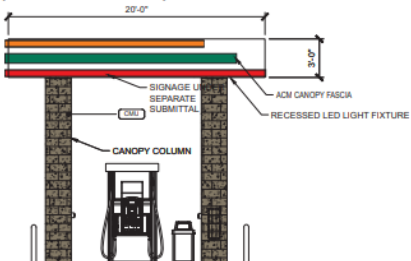
## 30" INTERNALLY ILLUM. REMOTE CHANNEL LETTERS



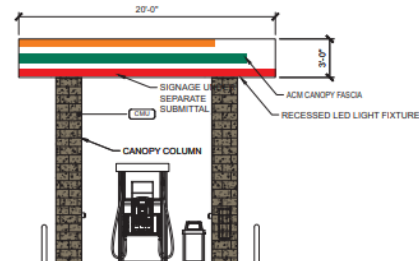
FRONT (FACING STREET) - ILLUMINATED LETTERS & STRIPES BY CUMMINGS



REAR (FACING STORE) - VINYL STRIPES BY OTHERS



RIGHT SIDE (FACING STREET) - ILLUMINATED STRIPES BY CUMMINGS

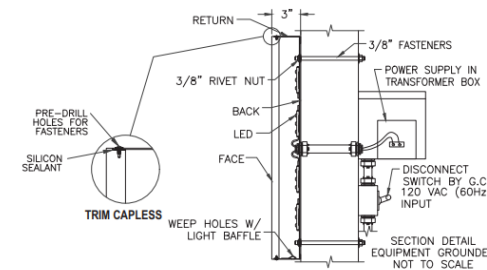


LEFT SIDE - VINYL STRIPES BY OTHERS

F1



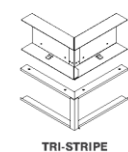
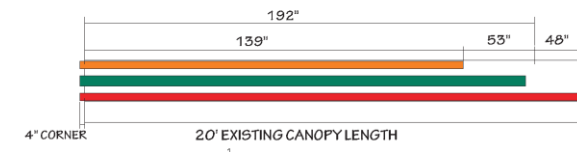
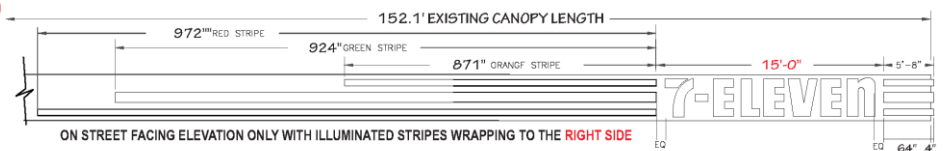
34.7 SQ. FT.



**COLOR NOTES:**  
 (PAINT INTERIOR SURFACES OF LETTERS W/ LEP)  
 BACKS: 3mm WHITE ACM  
 FACES: .750\"/>

## FUEL CANOPY CHANNEL TRI-STRIPE SETS

F2

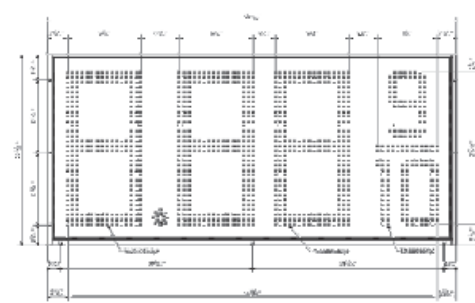
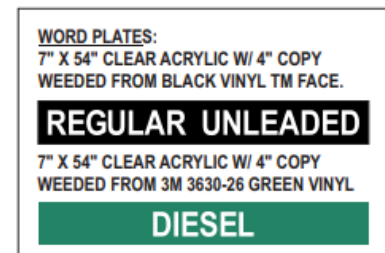
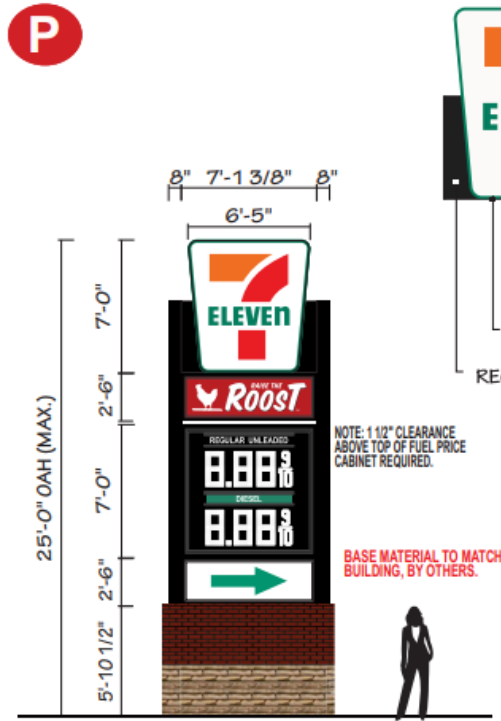




# PYLON SIGN DETAILS

SCALE: 1/8" = 1'-0"

## 7' KEYSTONE DF PYLON - RTR RESTAURANT



### DF INTERNALLY ILLUMINATED PYLON SIGN

- 7-ELEVEN SIGN HEAD**
- 8" DEEP, DF EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED GREEN TM PMS 341C.
  - PAN-FORMED & EMBOSSED POLYCARBONATE FACES W/1ST SURFACE DECORATION
  - LED ILLUMINATION
  - FABRICATED ALUM. RECESSED BOX CAN TO BE PAINTED TRICORN BLACK.

- RESTAURANT SIGN HEAD**
- 8" DEEP, DF EXTRUDED ALUMINUM CABINET & RETAINER PAINTED TRICORN BLACK SW 6258
  - PAN-FORMED WHITE POLYCARBONATE FACES W/1ST SURFACE FLAT DECORATION
  - LED ILLUMINATION

- FUEL PRICE SIGN HEAD**
- 8" DEEP, DF EXTRUDED ALUMINUM CABINET & RETAINER PAINTED TRICORN BLACK SW 6258
  - PAN-FORMED CLEAR POLYCARBONATE FACES BACK SPRAYED BLACK WITH WHITE RECTANGLES FOR FLAT CLEAR ACRYLIC WORD PLATES WITH COPY WEEDED FROM BLACK & GREEN BACK-GROUNDS TO SLIDE INTO 1ST SURFACE APPLIED CLEAR TRACKS.
  - FLAT PCU TACK (PWM) 22" WHITE LED DIGITS
  - LED ILLUMINATION

- 7-ELEVEN COLORS**
- 3M 3630-26 (Green)
  - 3M 3630-33 (Red)
  - 3M 3630-44 (Orange)
  - WHITE
- RAISE THE ROOST COLORS**
- 3630-53 RED
  - WHITE
  - BLACK

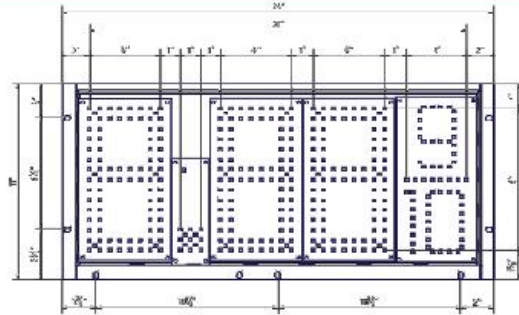
**PROPOSED: 135 SQ. FT.**

# MONUMENT SIGN DETAILS

SCALE: 3/8" = 1'-0"

## 4' DF MONUMENT SIGN - RTR RESTAURANT

M



### DF INTERNALLY ILLUMINATED MONUMENT SIGN

#### 7-ELEVEN SIGN HEAD

- 8" DEEP, DF EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED GREEN TM PMS 341C.
- PAN-FORMED & EMBOSSED WHITE POLYCARBONATE FACES W/1ST SURFACE DECORATION
- LED ILLUMINATION

#### RESTAURANT & FUEL PRICE COMBO SIGN HEAD

- 8" DEEP, DF EXTRUDED ALUMINUM CABINET, RETAINERS & DIVIDER BARS PAINTED TRICORN BLACK SW 6258
- RESTAURANT FACES: PAN-FORMED WHITE POLYCARBONATE W/1ST SURFACE FLAT DECORATION
- FUEL PRICE FACES: PAN-FORMED CLEAR POLYCARBONATE FACES BACK SPRAYED BLACK WITH WHITE RECTANGLES FOR FLAT CLEAR ACRYLIC WORD PLATES WITH COPY WEEDED FROM BLACK & GREEN BACKGROUNDS TO SLIDE INTO 1ST SURFACE APPLIED CLEAR TRACKS.
- FLAT PCU TRACK (PWM) 8" WHITE LED DIGITS
- LED ILLUMINATION

#### WORD PLATES:

9" X 17" CLEAR ACRYLIC W/ 2.5" COPY WEEDED FROM BLACK VINYL TM FACE.

9" X 17" CLEAR ACRYLIC W/ 2.5" COPY WEEDED FROM 3M 3630-26 GREEN VINYL

#### BASE

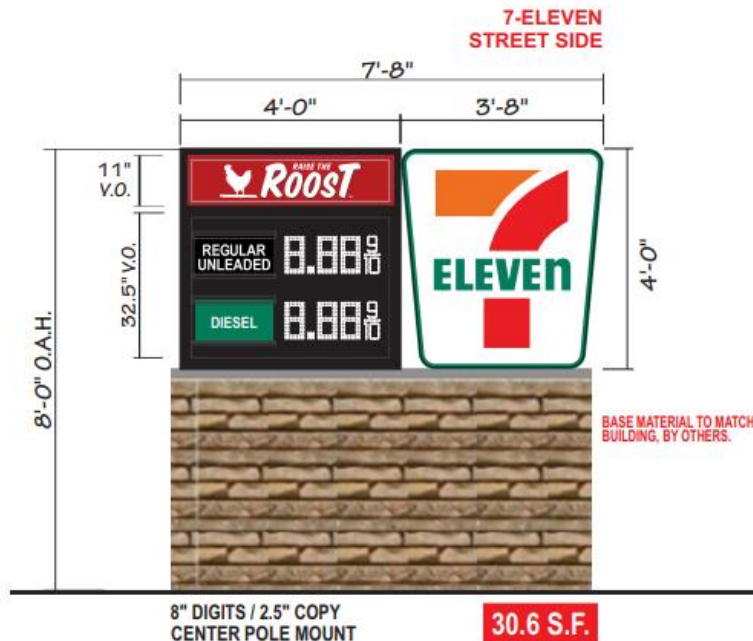
- FABRICATED ALUMINUM PAINTED TRICORN BLACK SW 6258

#### 7-ELEVEN COLORS

3M 3630-26 3M 3630-33 3M 3630-44  
 WHITE

#### RAISE THE ROOST COLORS

3630-53 RED WHITE BLACK



7-ELEVEN FACE DETAIL

BASE MATERIAL TO MATCH BUILDING, BY OTHERS.

8" DIGITS / 2.5" COPY  
 CENTER POLE MOUNT

30.6 S.F.



# STAFF RECOMMENDATION

## **APPROVAL** with conditions

- DSP-15021-01
- TCP2-026-2015-02

## **Issues:**

- None

## **Applicant Required Mailings:**

- Informational Mailing: 03/16/2022
- Acceptance Mailing: 02/03/2023



**STATEMENT OF JUSTIFICATION**  
**1603 BRIGHTSEAT ROAD**  
**7-ELEVEN**  
**DSP-15021-01**  
**MODIFIED 3.3.23**

**Applicants**

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**Engineer**

Bohler  
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Bowie, Maryland 20715  
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301-794-7555

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**STATEMENT OF JUSTIFICATION**  
**1603 BRIGHTSEAT ROAD; 7-ELEVEN**  
**DETAILED SITE PLAN DSP-15021-01**

**1.0 INTRODUCTION/OVERVIEW/ORIENTATION**

Hyattsville Brightseat Road RE LLC (the "Applicant") files this detailed site plan revision application for a 2.0-acre property in the I-3 zone located in the northeast quadrant of the intersection of Medical Center Drive (f/k/a Arena Drive) and Brightseat Road (the "Subject Property"). The property which is the subject of this application is more particularly described as part of Parcel 1 depicted on a plat entitled "Parcel 1, Sandpiper Property Subdivision", which plat is recorded among the Land Records of Prince George's County Maryland at Plat Book SJH 245 Plat 22 ("Parcel 1"). Parcel 1 is owned by Sandpiper Arena Drive, LLC and contains a total of 5.303 acres. Parcel 1 is currently improved with a Woodspring Suites hotel.

The Applicant is the contract purchaser of 2.0 acres of Parcel 1. In addition, the Applicant has filed a special exception application, referenced as SE-4845, for the 2.0 acres under contract to construct a 7-Eleven gas with a food and beverage store. The Applicant is also concurrently filing a Conceptual Site Plan and Preliminary Plan of Subdivision to allow Parcel 1 to be subdivided into two parcels, with one

containing the existing hotel and one containing the proposed gas station and food and beverage store. The Conceptual Site Plan will include the entirety of Parcel 1, although as discussed in greater detail below, the portion of Parcel 1 developed and utilized for the hotel is exempt from the requirement to obtain approval of a Conceptual Site Plan. The preliminary plan of subdivision will also include the entirety of Parcel 1 to create a separate parcel for the proposed use. This Detailed Site Plan is filed as a revision to DSP-15021 approved for the hotel as the newly created parcel will share the use of the existing driveway which was previously approved to serve as access to Parcel 1 from Brightseat Road. The Detailed Site Plan only addresses the development regulations applicable to the proposed gas station with food and beverage store.

## **2.0 ZONING HISTORY AND SUMMARY OF DEVELOPMENT PROPOSAL**

As noted above, Parcel 1 is zoned I-3. Previously the site of a proposed elementary school when it was placed in the I-3 Zone in 1977, the property was conveyed to private ownership in 1986 and included as part of the Spectrum 95 industrial park land holdings. The property was first subdivided as Parcel A, Brightseat Road Elementary School, recorded on or about December 17, 1969 at Plat Book WWW 73 at Plat 16. A copy of this plat is attached hereto as Exhibit "A". Originally 9.78 acres, right-

of-way takings associated with the construction of Arena Drive (now Medical Center Drive) reduced the size of the property to the current 5.3 acres. The conveyance of land to the State Highway Administration ("SHA") occurred on February 26, 1997 by a deed recorded among the Land Records of Prince George's County at Liber 11293 Folio 400. A copy of the deed conveying the right of way to SHA is attached hereto as Exhibit "B". In 2016, a record plat was approved pursuant to the provisions of Section 24-111(c) to evaluate the property for adequate public facilities, since the property had been subdivided prior to October 27, 1970. This approval, reflected in Resolution PGCPB No. 16-26 resulted in the current subdivision plat for the Parcel 1 being recorded. A copy of Resolution PGCPB No. 16-26 is attached hereto as Exhibit "C". Three conditions were imposed, which will be addressed in greater detail below. The final plat is recorded at Plat Book SJH 245 Plat No. 22, a copy of which is attached hereto as Exhibit "D".

On June 16, 2016, the District Council approved DSP-15021 for Parcel 1 for the construction of two hotels. A copy of the Final Decision of the District Council is attached hereto as Exhibit "E". Detailed Site Plan DSP-15021 approved the construction of two identical four-story, 124 room, 47,624 square foot hotels. One of the hotels, a Woodspring Suites, located on the eastern portion of Parcel 1 has been constructed.

However, there was no market for construction of the second hotel. The Applicant proposes to purchase the second pad site created pursuant to DSP-05021 to construct a gas station containing 8 pump islands (16 fueling stations) along with a 4,050 square foot food and beverage store. Conformance with these conditions will also be addressed below.

While a Conceptual Site Plan was not required in conjunction with the approval of the two hotels, it is required for the addition of the proposed use. The Conceptual Site Plan filed concurrent with this application will fulfill the requirement set forth in Section 27-471(d) that a Conceptual Site Plan be approved.

As noted above, the development proposed in this application is a gas station and food or beverage store. Specifically, the proposed use is a 7-Eleven. In the I-3 Zone, Section 27-473 permits a gas station subject to approval of a special exception. This application is filed to address the requirements for approval of a special exception. A food or beverage store is permitted, subject to Footnote 42, which limits food or beverage stores to those in conjunction with "a gas station located within an industrial park, provided the uses are located within the same building". In this case, the food or beverage store and the gas station will operate out of the same building. Thus, the special exception application includes both

uses. A copy of the relevant provisions of Section 27-473 are attached hereto as Exhibit "F".

Although a special exception is required for the gas station, approval of the special exception does not exempt the Subject Property from the requirement to also obtain a Detailed Site Plan. The Detailed Site Plan included with this application depicts the same improvements as shown on SE-4845, which has been reviewed by and recommended for approval by the Maryland-National Capital Park and Planning Commission.

### **3.0 ANALYSIS OF CONFORMANCE WITH THE REQUIREMENTS OF PRINCE GEORGE'S COUNTY PLANNING BOARD RESOLUTION PGCPB No. 16-26 AND DETAILED SITE PLAN DSP-05021**

As noted above, Parcel 1 was initially subdivided in 1969 and was therefore required to obtain approval of new final plat accompanied by a review of adequate public facilities. The plat was designated among the records of the Maryland-National Capital Park and Planning Commission as application 5-15059. The final determination of adequate public facilities is contained in Prince George's County Planning Board Resolution PGCPB No. 16-26, adopted by the Planning Board on July 7, 2016. This analysis was approved subject to three conditions, as listed and addressed below:

- 1. Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

**COMMENT:** To address this condition, the Applicant commissioned a Traffic Impact Analysis ("TIS") from The Traffic Group dated February 4, 2021 and attached hereto as Exhibit "G". The TIS evaluated the proposed development for conformance with this trip cap. It should be noted that, for purposes of the adequacy analysis, the property was evaluated based upon the proposed traffic that would be generated by a 150-room hotel and convenience store with 12 fueling stations. Detailed Site Plan DSP-15021 approved the development of two 124 room hotel rooms. The proposed convenience store with 16 fueling stations will replace the second hotel. As noted in the TIS, the total number of trips that will be generated by the proposed development is 99 AM and 91 PM peak hour trips, which represents 134 fewer AM peak hour trips and 188 PM peak hour trips than are currently approved. Therefore, the TIS concludes that the proposed development conforms to the approved trip cap.

**2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.**

**COMMENT:** The subdivision plat that was recorded pursuant to the approval of the plat shows a denial of access along both Arena Drive and the Capital Beltway. The applicant is not proposing to access either Arena Drive or the Capital Beltway as part of this special exception request.

**3. The 2008 Water and Sewer Plan designates this property in water and sewer Category 3, Community System, within**



**Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.**

**COMMENT:** A note placed on the record plat reflects that the property will be served by public water and sewer.

Based upon the above analysis, the proposed development conforms to the subdivision conditions applicable to the Subject Property.

DSP-15021 was approved by the Planning Board on February 18, 2016, which decision was affirmed by the District Council in its Final Decision approved on June 19, 2016. The DSP was also approved subject to three conditions. The first condition was to reflect certain technical changes on the DSP prior to certification. These modifications were made when the DSP was certified. This application will further modify the approved detailed site plan to reflect the revised development proposal.

The second condition required that, prior to issuance of building permits, a plat of resubdivision shall be approved. The plat referenced above was approved on July 7, 2016 in conformance with this condition and has been recorded.

The third condition required that the applicant provide a financial contribution of \$210 to the Prince George's County Department of Public Works and Transportation for the placement of on "Share the Road with a Bike". This condition was satisfied prior to the issuance of the building permit for the hotel.

It is noted that Preliminary Plan of Subdivision 4-22006 and ADQ-2022-037 will supersede the prior subdivision upon approval by the Planning Board. The subject Detailed Site Plan will be required to conform to the conditions of the Preliminary Plan and the ADQ.

#### **4.0 ANALYSIS OF CONFORMANCE WITH THE CONDITIONS OF SPECIAL EXCEPTION SE-4845**

As noted above, Special Exception SE-4845 was approved pursuant to a Declaration of Finality on July 26, 2022. The Special Exception was approved pursuant to three conditions, each of which is addressed below.

**CONDITION 1. Prior to signature approval of the special exception, the Special Exception Site Plan, Tree Conservation Plan or Landscape Plan (as applicable) shall be revised, as follows, and submitted to the Office of the Zoning Hearing Examiner for review, approval and submission into the record:**

- a. **Depict the entire Parcel 1 with property boundary bearings and distances and 10-foot-wide public utility easements, in accordance with Plat Book 245 page 22.**

**COMMENT:** This condition will be addressed with the certification of the Special Exception Site Plan.

- b. **Provide information showing a fire hydrant will be provided within 500-feet of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners, etc.).**

**COMMENT:** Information will be shown on the Special Exception site plan showing a fire hydrant will be provided in accordance with this requirement at the time of certification.

- b. Show all property boundaries from which direct access to I-95/I-495 (Capital Beltway) is denied.**

**COMMENT:** The boundaries from which direct access is denied will be shown on the certified Special Exception Site Plan.

- d. Add the following notes to the General Notes on page 3 of the site plan:**

- i. "Upon the abandonment of a gas station, the Special Exception shall terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease."**

**COMMENT:** This note will be added to the site plan at the time of certification.

- ii. "The retail sale of alcoholic beverages from a food or beverage store approved in accordance with Section 27-355 of the Zoning Ordinance (2019 Edition) is prohibited."**

**COMMENT:** This note will be added to the site plan at the time of Certification.

- e. The freestanding pylon sign shall not exceed 25 feet in height.**

**COMMENT:** This note will be added to the site plan at the time of Certification.

- CONDITION 2.**           The Type 2 tree conservation plan (TCP2) shall be revised as follows:
- a.    Add the TCP2 number to the worksheet.
  - b.    Complete the note on the plan stating that the off-site woodland conservation mitigation credits have been obtained; list the Liber/Folio that the certificate was recorded under.

**COMMENT:** This revision will be made to the Type 2 TCP at the time of Certification.

- CONDITION 3.**           Approval is contingent upon the submittal of the executed easement agreement that will allow Applicant to access Brightseat Road to the site. No permits may be issued for the property until a copy said easement and any required approval of the access by the District Council, Planning Board or other agency s submitted to the Office of the Zoning Hearing Examiner for inclusion in the record. Applicant shall also submit a copy of any Site Plan or revised Landscape Plan approved by the Planning Board or District Council pursuant to the requirements for development in the I-3 Zone, for inclusion in the record.

**COMMENT:** A Deed of Easements and Restrictive Covenants Agreement was provided into the record of the Special Exception as Exhibit 39. A copy of the executed and recorded Deed of Easements will be provided prior to the issuance of any permits.

## **5.0 ANALYSIS OF CONFORMANCE WITH THE CONDITIONS OF CSP-21006**

A Conceptual Site Plan, CSP-21006, was reviewed and approved by the Planning Board at its hearing on March 2, 2023. The CSP was approved subject to the following conditions:

**1. Prior to certification of the conceptual site plan, the following revisions shall be made, or information shall be provided:**

a. In General Note 3 on the coversheet, confirm whether the proposed gross floor area is 3,939 square feet (as provided in this note) or 4,050 square feet (as provided in the statement of justification).

b. In General Note 6, specify that the property is also in Tax Map 67 Grid C1.

c. In General Note 7, specify the subdivision name as "Sandpiper Property Subdivision." Specify that this is the existing subdivision name.

d. Update the plan to show the conceptual pedestrian circulation routes, along the property's frontage and within the site.

e. Add a general note listing the existing and proposed uses on the property.

f. On all plan views, correct the label for Capital Beltway, to include "I-95/495."

**COMMENT:** Each of these items will be addressed at the time of certification.

**2. Prior to certification of the conceptual site plan, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:**

a. Revise the woodland conservation worksheet to reflect the calculations shown on the approved TCP2-026-2015 worksheet.

b. Revise the off-site woodland conservation acreage transfer certificate note on Sheet C-201 to include

the recordation information for the transfer certificate (Liber 39536 Folio 334).

c. Depict existing woodlands and trees on the plan, in accordance with the symbology required in the Environmental Technical Manual.

d. Revise the soil boundaries on the TCP1, to be consistent with Natural Resources Inventory NRI-090-2015-01.

**COMMENT:** Each of these revisions will be incorporated into the TCP I plan at the time of certification.

3. The applicant and the applicant's heirs, successors, and/or assignees shall show, on the preliminary plan of subdivision, a minimum of 40 feet of right-of-way dedication from the centerline along the property's entire frontage of Brightseat Road, as shown on the approved Conceptual Site Plan, CSP-21006.

**COMMENT:** The preliminary plan of subdivision shows the required dedication along the entire frontage of Brightseat Road in accordance with this condition.

4. Prior to acceptance of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall:

a. Submit a bicycle and pedestrian plan which displays the details, location, and extent of the following facilities:

(1) A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency with written correspondence.

(2) A minimum of a six 5 ½ -foot-wide sidewalk along the perimeter of all buildings.

(3) Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.

- b. The freestanding pylon sign shall not exceed 25 feet in height.**

**COMMENT:** The detailed site plan depicts the marked bicycle lane as required and shows a minimum 5 ½-foot-wide sidewalk along the perimeter of all buildings. In fact, the sidewalk along the western and southern facades of the building are 8 feet in width and the sidewalk along the northern façade is 6 feet in width. The freestanding pylon sign is shown as 25 feet in height.

#### **6.0 ANALYSIS OF CONFORMANCE WITH THE CONDITIONS OF PRELIMINARY PLAN OF SUBDIVISION 4-22006**

A Preliminary Plan of Subdivision, 4-22006, was to be reviewed and approved by the Planning Board at its hearing on March 16, 2023. The recommended conditions of approval are as follows:

- 1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following;**
  - a. Show the stormwater management (SWM) facilities in accordance with the approved SWM Concept Plan, 3656-2021-00.**
  - b. The dimensions and area for the road dedication along Brightseat Road, ensuring a minimum of 40 feet from the centerline of Brightseat Road is provided.**
  - c. The plan and notes section shall be updated to reflect the land area for the roadway dedication, and consequently, any necessary adjusted parcel areas.**

- d. Label the subdivision as Sandpiper Road Property and the proposed parcels as Parcels 2 and 3.
- e. Revise General Note 4 to indicate that the total square footage of commercial use is 51,674 feet, and the proposed commercial use is 4,050 feet.

**COMMENT:** Each of these items will be incorporated into the preliminary plan of subdivision at the time of certification.

- 2. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, 3656-2021-00, and any subsequent revisions.

**COMMENT:** The proposed development will conform to the Stormwater Management Concept Plan.

- 3. Prior to approval, the final plat of subdivision shall include:
  - a. The applicant and the applicant's heirs, successors, and/or assignees shall record an access easement agreement that shows the extent and location of the easement on the subject property, as shown on the approved preliminary plan of subdivision.
  - b. The dedication of 10-foot-wide public utility easements along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
  - c. Right-of-way dedication of 40 feet from the centerline of Brightseat Road, as



shown on the approved preliminary plan of subdivision.

**COMMENT:** The final plat will incorporate each of these conditions at the time of approval.

4. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Revise the soil boundaries on the TCP1 to be consistent with Natural Resources Inventory NRI-090-2015-01.
  - b. Depict the proposed property boundaries.
  - c. Correct the application type and number in Tree Conservation Plan Note 1 to PPS 4-22006.
  - d. Update the approval block with the approval information for TCP1-003-2023 when available.
  - e. Correct the Development Review Division application number in the -01 revision line of the approval block to "4-22006" instead of "DSP 4-22006", and correct the case number in the approval block to "TCP1-003-2023".

**COMMENT:** The Type I TCP shall be updated to incorporate these comments at the time of signature approval.

5. Any residential development on the subject property shall require approval of a new

**preliminary plan of subdivision, prior to issuance of any permits.**

**COMMENT:** It is understood that future residential development of the Subject Property will require a new preliminary plan.

**6. The following facilities shall be provided and shown on the site plan:**

- a. A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency with written correspondence.**
- b. A minimum 5 ½ -foot-wide sidewalk along the perimeter of all buildings.**
- c. Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.**

**COMMENT:** A bicycle lane on Brightseat Road is shown on the DSP. All sidewalks along the perimeter of the building are at least 5.5' wide. All crosswalks and striping are shown on the detailed site plan.

**7.0 ANALYSIS OF CONFORMANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE**

In the I-3, a detailed site plan is required to be approved pursuant to Section 27-471(d). As discussed below, the subject DSP conforms to the requirements of the I-3 Zone and the site plan design guidelines of the Zoning Ordinance. In addition, it is noted that a special exception has been filed to permit the proposed use. The gas station is further subject to the

requirements of Section 27-358 and Section 27-317 of the Zoning Ordinance. Conformance with each of these requirements will be determined with the approval of the Special Exception. However, the bulk regulations applicable to gas stations are addressed below as well to ensure there is consistency between the regulations applicable to the I-3 Zone generally and the requirements applicable to a gas station specifically.

### **7.1 REGULATIONS APPLICABLE TO THE I-3 ZONE**

Regulations governing development in the I-3 Zone are contained in Section 27-471 and Section 27-474. The applicable provisions of Section 27-471 are as follows:

- (b) Landscaping, screening and buffering of development in the I-3 Zone shall be provided as set forth in the Zoning Ordinance.**

**COMMENT:** The Detailed Site Plan has been designed to conform to the provisions of the Landscape Manual.

- (c) Outside uses.**

- (1) With the exception of off-street parking and loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), vehicle rental lots, and public utility uses, all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.**

**COMMENT:** The existing hotel and the food and beverage store will all be located within wholly enclosed buildings. No

outdoor storage is proposed and there will be no repair of vehicles conducted on site.

**(d) Site plans.**

- (1) A Conceptual Site Plan and a Detailed Site Plan shall be approved for all uses and improvements, in accordance with Part 3, Division 9, of this Subtitle.**
- (2) In addition to the requirements of Part 3, Division 9, the Detailed Site Plan shall show the design and size of lettering, lighting, and all other features of signs proposed (except those for directional or informational purposes containing not more than four (4) square feet). These signs shall be reviewed and approved or disapproved at the same time the Detailed Site Plan is acted upon.**

**COMMENT:** This Detailed Site Plan is filed to conform with the requirement of Subsection (d)(1) above.

Regarding signage, both on-building signage and one free standing sign are proposed. Section 27-613(a)(2) states that "signs may be located anywhere on a building that the Planning Board deems appropriate", subject to the height limitations set forth in Section 27-613(b)(2), which prohibits on-building signage to extend above the lowest point to the roof of the building to which it is attached. The proposed signage conforms with this requirement and is appropriate for a building of this type. Section 27-613(c)(4) limits the area of building signage to one square foot for each one lineal foot that faces a street. As shown in the sign detail sheet, the square footage of signage

proposed is less than the permitted amount on all facades. below the details of the proposed signage are included with the application.

Regarding free standing signage, Section 27-614(a) (3) states that "signs may be located anywhere that the Planning Board deems appropriate", subject to the height limitations contained in Section 27-614(b). Section 27-614(b) states that in the I-3 zone, the height of any freestanding sign cannot be greater than the lowest point of the roof of any building located in the employment park. At the time DSP-15021 was approved, it was determined that the proposed hotel was 35'10" tall. The Planning Board approved a sign 35'10" tall which has since been installed between the hotel and the Beltway. A second sign was also approved for the second hotel, which was not installed. The second sign was proposed to be located at the entrance to the property on Brightseat Road. Originally proposed to also be 35'10" tall, Condition 1(g) of DSP-15021 limited the height of the second freestanding sign to 25 feet. The Applicant is proposing to move the sign from the entrance to the corner of Brightseat Road and Medical Center Parkway to allow it to be visible to vehicles approaching on Medical Center Drive. The sign proposed in conjunction with the gas station is 25 feet high in conformance with Condition 1(g). Based on the

above, the proposed signage associated with the proposed use conforms to the requirements of the I-3 Zone.

**(e) Uses.**

- (1) The uses allowed in the I-3 Zone are as provided for in the Table of Uses (Division 3 of this Part).**

**COMMENT:** As discussed in greater detail above, the proposed gas station with food and beverage store is a permitted use in the I-3 Zone.

**(f) Regulations.**

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**
- (2) Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.**
- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

**COMMENT:** The Detailed Site Plan addresses each of the applicable requirements related to parking, loading, signage and



the Landscape Manual. Regarding the percent of parking in the yard to which the building's main entrance is oriented, 29% (9 of 31) of the parking spaces are located in this yard. As a result, the Applicant is requesting that the Planning Board approve an increase from 25% to 29%. The site is designed to allow vehicles to circulate around the building to improve the flow of traffic between the building and the gas pumps. In addition, the distribution of parking around the building allows customers to park as close to the building as possible. Since the building is longer along its front façade, the number of spaces along this façade is larger than those on the side facades. In the rear of the building, the rear driveway limits the number of parking spaces which can be located. This results in a minor increase in the percentage of parking in the front of the building, which is the yard to which the buildings main entrance is located. Given the nature of the use, providing parking at the front of the building is essential to its operation and facilitates the flow of traffic between the gas pumps and the building. Thus, a modest increase of 4% is requested.

The loading space is not located on the side of the building. The loading space is located in the rear yard in the southeast corner of the parking lot. One of the SDRC comments was to relocate the loading space adjacent to the building.

However, this would place the loading space on the side of the building facing the street and it would force parking spaces to be relocated away from the building. The location of the loading space is shown as it was approved with the Special Exception and cannot now be relocated.

**(g) Warehousing.**

**(1) Warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises may be permitted, subject to the following:**

**(A) Not more than twenty percent (20%) of the net tract area of the entire Planned Industrial/Employment Park shall be devoted to these uses (including accessory uses such as off-street parking and loading areas).**

**(B) More than twenty percent (20%), but not more than thirty percent (30%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if at least five percent (5%) of the net lot area (of the lot on which the use is proposed) is devoted to green area. This green area shall be in addition to any other green area required by this Part. This additional green area shall either serve to preserve irreplaceable natural features, be designed so that the visual impact of the facility will be relieved (either by natural features or changes in grade), or provide distinctive furnishings (such as sculptures, fountains, and sidewalk furniture).**

**(C) More than thirty percent (30%), but not more than fifty percent (50%), of the net tract area of the entire Planned Industrial/Employment Park may be**

devoted to these uses if, in addition to meeting the requirements of (B), above, the Planning Board finds:

- (i) That the tract is suited for these uses because of its accessibility to railways or highways that readily accommodate warehousing;
  - (ii) That the traffic generated by the uses is not directed through residential neighborhoods;
  - (iii) That the use is compatible with surrounding existing land uses and those proposed on the Master Plan. In determining compatibility, the Planning Board shall consider architectural or physical features of the facility and may require that these features be compatible with surrounding land uses.
- (D) The remainder of the park shall be devoted to other uses, in the case of (A), (B), or (C), above.
- (E) Notwithstanding the provisions of Subsections (g) (1) (A) through (D) of this Section, above, the development restrictions on warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises shall not apply to property which lies entirely within the I-95/I-495 (Capital Beltway), contains less than 15 acres, is vacant at the time of filing of a Conceptual Site Plan application, and was originally classified in the I-3 Zone pursuant to a Sectional Map Amendment approved before January 1, 1978.

**COMMENT:** No warehousing is proposed on the Subject Property. This criterion is not applicable to the proposed development.

**(h) Required access.**

- (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

**COMMENT:** Access to the property was addressed at the time of the approval of Detailed Site Plan DSP-15021. Access to the Beltway and to Arena Drive (now Medical Center Parkway) was denied. Access is proposed from Brightseat Road, an 80 foot-right-of-way. The proposed development conforms to this requirement. It is noted that a variance was requested in conjunction with the approval of special exception SE-4845 related to access. Specifically, Section 27-358(a)(1) requires that the "subject property" on which a gas station is proposed "shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet." (Emphasis added) The property on which the gas station is proposed has 150 feet of frontage on a street with a right-of-way of at least seventy feet. However, it is proposed that the gas station will access the existing driveway which was approved in DSP-15021 to access the larger site. Since the access to Brightseat road will not be "direct", a variance was requested. An additional access to Brightseat

Road is not possible due to grading issues and the proximity of the intersection at Medical Center Parkway. It is assumed that the variance will be addressed in the special exception application and does not need to be re-requested within the context of this Detailed Site Plan application since the larger site (the "employment park") satisfies this requirement.

**(i) Minimum area for the development.**

- (1) The minimum area for the development of any Planned Industrial/Employment Park shall be twenty-five (25) gross acres.**
- (2) If the area is less than twenty-five (25) acres but not less than fifteen (15) acres, the property may be classified in the I-3 Zone when the property adjoins property in the C-O Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (3) If the area is less than twenty-five (25) acres, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (4) If the area is less than twenty-five (25) acres, and the land was classified in the I-3 Zone prior to October 31, 1977, or upon approval of a Sectional Map Amendment, it may be developed in accordance with this Part, provided the owner of record does not own abutting undeveloped land in the I-3, E-I-A, or C-O Zone that could be used to comply with the provisions of paragraph (1), (2), or (3), above.**

**COMMENT:** The property which is the subject of this Conceptual Site Plan was classified in the I-3 Zone by a Section Map

Amendment approved on November 8, 1977. The owner of record does not own abutting undeveloped land that could be used to conform to the minimum acreage requirements.

Section 27-474 contains regulations related to setbacks, net lot area, lot frontage, building coverage and green area applicable in all of the industrial zones. As noted on the site plan, since the Subject Property is located within one mile of a Metro Station, some of the regulations typically applicable to the I-3 Zone are modified. Specifically, the applicable regulations are as follows:

- Setback from Street:
  - Freeway: 50 feet (applies to parking and loading);
  - All other: 10 feet;
- Setback (all yards): 10 feet;
- Distance between unattached buildings: 20 feet;
- Net Lot Area: 87,120 square feet;
- Lot Frontage: 150 feet;
- Building Coverage (Maximum % of Net Lot Area: 90%;
- Green Area (Minimum % of Net Lot Area: 10%;

As noted on the Detailed Site Plan, the Detailed Site Plan conforms with each of these requirements.

## **7.2 REGULATIONS APPLICABLE TO GAS STATIONS (SECTION 27-358)**

As referenced above, conformance with the requirements of Section 27-358 were addressed with the approval of the special exception and conformance with the conditions of approval are addressed above. It is further noted that the Special Exception

in this case was accepted prior to January 1, 2022 and therefore is not subject to the requirements adopted by CB-48-2021, which imposed distance requirements to structures used as a residence and required the installation of EV charging stations. While the proposed gas station does not propose the inclusion of EV charging stations, the site will have the infrastructure constructed to allow the installation of EV charging stations when demand for such stations warrants. The bulk requirements applicable to gas stations and which were evaluated at the time the special exception was approved are also reflected on the Detailed Site Plan. These regulations are as follows:

- (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

**COMMENT:** This requirement is addressed above in conjunction with Section 27-471(h). The gas station property has 295.02 feet of frontage on Brightseat Road, an 80-foot-wide collector right of way. The Subject Property will access this right of way through shared use of the existing driveway which serves the existing hotel. As a result, the Subject Property will not have "direct" vehicular access to Brightseat Road. A variance from the requirement to have "direct" access was included with the special exception application and was approved.

- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a**



**school, outdoor playground, library, or hospital is located;**

**COMMENT:** The Property is not located within 300' of a school, playground, library or hospital. Note 22 on the Detailed Site Plan addresses this requirement.

- (3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

**COMMENT:** The Applicant's proposed use is limited to the sale of gasoline and operation of a food and beverage store accessory thereto. The Applicant does not intend to display and rent cargo trailers and trucks, or any similar uses. Note 22 on the Detailed Site Plan addresses this requirement.

- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

**COMMENT:** The use will include no vehicle repair or storage.

- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**

**COMMENT:** The existing driveway providing direct access from Parcel 1 to Brightseat Road is 30 feet in width and the access driveway from the Subject Property to the existing driveway is 35 feet in width. Parcel 1 is a corner lot, but the driveway is 48.9 feet from the point of curvature of the curb return or the point of curvature of the edge of paving at the intersection. Further, the driveway is more than 12 feet from the adjoining lot. Note 22 on the Detailed Site Plan addresses this requirement.

**(6) Access driveways shall be defined by curbing;**

**COMMENT:** The existing access driveway is defined by curbing in satisfaction of this requirement. Note 22 on the Detailed Site Plan addresses this requirement.

**(7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

**COMMENT:** A five (5) foot wide sidewalk is provided along Brightseat Road between the building line and the curb. Access to Parcel 1 and the Subject Property is denied from Arena Drive and the Capital Beltway and no sidewalk exists along these roads as they do not serve pedestrian traffic. Note 22 on the Detailed Site Plan addresses this requirement.

**(8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**

**COMMENT:** The site plan depicts the proposed gasoline pumps are 60.9 feet from the street line of Brightseat Road and 126.7 feet behind the street line of Arena Drive. Note 22 on the Detailed Site Plan addresses this requirement.

- (9) **Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

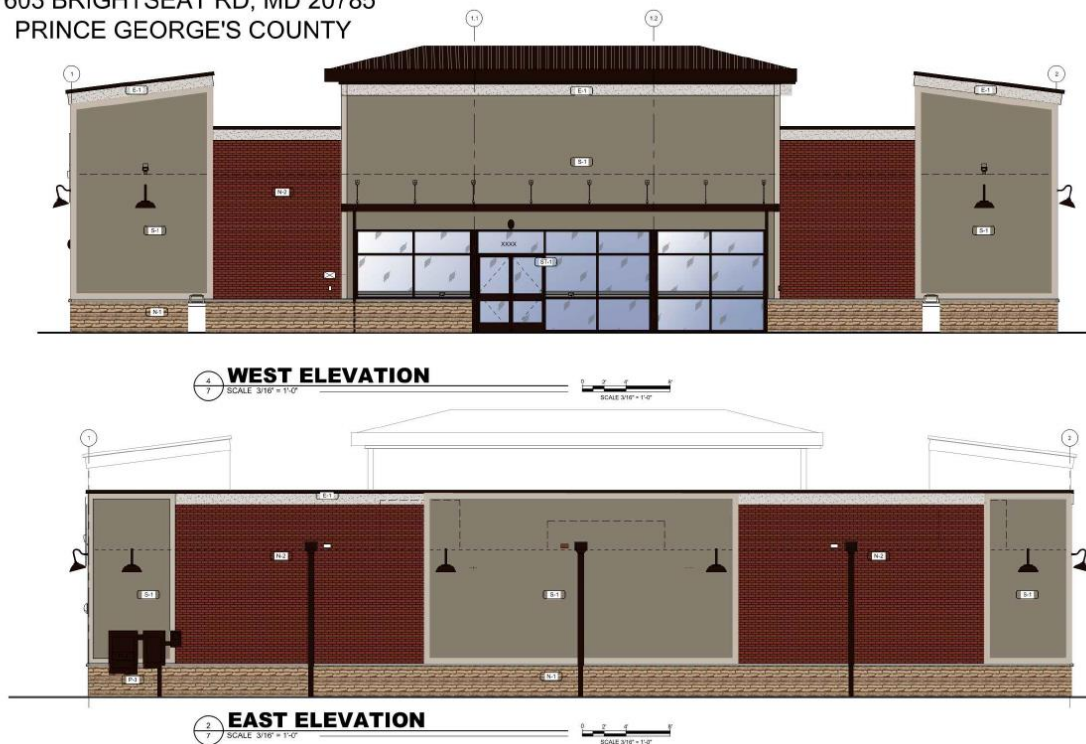
**COMMENT:** The Applicant's proposal does not include repair service on the Property. Note 22 on the Detailed Site Plan addresses this requirement.

- (10) **Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

**COMMENT:** Architectural renderings were included with the special exception application and those same renderings are included with this DSP application. The architectural design of the proposed food and beverage store is unique and designed

specifically for this location in order to be compatible with the existing hotel, which is the only development which abuts the Subject Property. The exterior materials, including the color palette, and roof lines of the food and beverage store were designed to complement the material and roof lines of the hotel. The proposed store is not a prototypical design which is used elsewhere in the region. In fact, there will not be another 7-Eleven in the region with the same architectural design. The design of the proposed food and beverage store, images depicting the materials to be used on the proposed building, and a photograph of the existing hotel are shown below to demonstrate the architectural compatibility of the two buildings:

1603 BRIGHTSEAT RD, MD 20785  
 PRINCE GEORGE'S COUNTY





**NICHIHA**

STONE VENEER -ELDORADO  
STONE - MOUNTAIN LEDGE -  
SIERRA OR SIMILAR



**NICHIHA**

NICHIHA  
PLYMOUTHBRICK  
-CRIMSON (N-2)



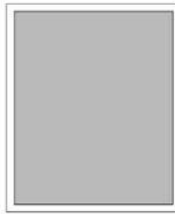
**E.I.F.S.**

TBD  
"DOVE GRAY" (E-1)



**STOREFRONT**

KAWNEER  
DARK BRONZE NO. 40  
STOREFRONT, FRAMES  
(ST-1)



**FAUX STOREFRONT**

KAWNEER  
DARK BRONZE NO. 40  
STOREFRONT, FRAMES



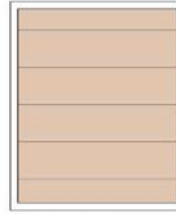
**CONCRETE BLOCK  
(CMU)**

INTEGRAL COLORED CMU TO  
MATCH BUILDING (LIGHT TAN),  
SPLIT FACE



**MISC. METALS**

20 GA. PREFINISHED METAL  
PARAPET CAP - DARK BRONZE  
DARK BRONZE PAINT (M-1)



**LAP SIDING -  
HARDIEPLANK**

CEDARMILL OR SIMILAR (S-1)

ARCHITECTURAL ELEVATIONS  
SHEET 4 OF 6  
APRIL 8, 2020



8880 S. QUEBEC ST. STE. 3108  
GREENWOOD VILLAGE, CO 80111  
O 720.336.3380  
dimensiongrp.com



(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);
- (2) The location and type of trash enclosures; and
- (3) The location of exterior vending machines or vending area.

**COMMENTS:** The site plan shows the above as required. No exterior vending machines are proposed.

## **8.0 CONFORMANCE WITH THE GENERAL PURPOSES OF DSP'S**

The general purposes of Detailed Site Plan (DSP) are contained in §27-281(b) of the Zoning Ordinance, and are expressed as follows:

(b) **General purposes.**

(1) **The general purposes of Detailed Site Plans are:**

(A) **To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plans;**

(B) **To help fulfill the purposes of the zone in which the land is located;**

(C) **To provide for development in accordance with the site design guidelines established in this Division; and**

(D) **To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

**Comment:** The Subject Property is zoned I-3 and is located just off the interchange of the Capital Beltway and Medical Center Parkway. The area north and south of the Subject Property are zoned industrial and are developed with uses consistent with the

underlying zoning. The propose use was found not to impair the integrity of the Master Plan at the time the special exception was approved, and conformance with the Master Plan and General Plan are addressed in greater detail below. The Subject Property was retained in the I-3 zone through the adoption of the Subregion 4 Sectional Map Amendment. As a result, the proposed development implements the vision of the SMA and helps fulfill the purposes of the I-3 Zone by providing a limited retail use to serve the other businesses and residents in the area.

#### **9.0 CONFORMANCE WITH SPECIFIC PURPOSES OF THE DETAILED SITE PLAN**

Sec. 27-281 (c) lists the specific purposes of a detailed site plan. There are four specific purposes listed, each of which is addressed below:

**Sec. 27-281 (c) (1)(A): To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site.**

**Comment:** The submitted Detailed Site Plan demonstrates the location of the existing and proposed buildings, parking facilities, streets and green areas, as required.

**Sec. 27-281 (c) (1)(B): To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site.**



**Comment:** The submitted DSP included in this application shows the specific grading and landscape planting areas proposed for the site. There is also an approved stormwater management concept plan.

**Sec. 27-281 (c) (1) (C): To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site.**

**Comment:** The proposed development is commercial in nature and no recreations facilities are proposed. The architectural form of the proposed building and the street furniture proposed are included in the detailed site plan.

**Sec. 27-281 (b) (1) (D): To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The site will share access and the use of stormwater management facilities with the owner of the hotel. A cross access and maintenance agreement will be recorded upon the acquisition of the gas station site by the Applicant.

#### **10.0 CONFORMANCE WITH CRITERIA OF APPROVAL--DETAILED SITE PLANS**

The Planning Board must find that the Detailed Site Plan satisfies the criteria of approval set forth in Section 27-285(b) of the Zoning Ordinance. These criteria are set forth below.

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.
- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).
- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

**COMMENT:** The Applicant submits that the proposed DSP for the Subject Property does represent a most reasonable alternative for satisfying the site design guidelines. As noted above, the Subject Property is already the subject of an approved detailed site plan which established two development pads. While initially the intention was to construct two hotels on the Subject Property, the proposed use will be constructed in lieu of the second hotel. As part of the approval of the detailed site plan however, the appropriate points of access to the site were determined as well as the grades and stormwater management

techniques. Thus, the site design guidelines have already been evaluated for conformance. The proposed new use does not alter those prior findings.

The Site Design Guidelines are contained in Section 27-274. These Site Design Guidelines address General matters, Parking, Loading and Circulation, Lighting, Views, Green Area, Site and Streetscape Amenities, Grading, Service Areas, Public Spaces, Architecture and Townhouses. Those that are relevant are addressed below.

**Section 27-274(a)(1) General.** The proposed plan should promote the purposes of the Conceptual Site Plan. The purposes of Conceptual Site Plans are listed in Section 27-272. The General Purposes include providing for development in accordance with the Master Plan and helping fulfill the purposes of the zone in which the land is located. Conformance with the Master Plan and the purposes of the I-3 Zone were addressed with the Special Exception Application.

The relevant plans which apply to this site are the 2014 General Plan, the 2010 Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment, and several Functional Master Plans, including the Resource Conservation Plan (which includes the Green Infrastructure Plan), the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The

Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

General Plan. The General Plan classified the subject site in its Growth Policy Map1 in the Established Communities category, and further within one of the Employment Areas. The Generalized Future Land Use Map designated it for Industrial/Employment land use. "Established Communities" are described by the General Plan as "the County's heart - its established neighborhoods, municipalities and unincorporated areas outside designated centers," and recommends that, "Established communities are most appropriate for context-sensitive infill and low- to medium density development..."

"Employment Areas" are an overlay category, and are intended to have, "the highest concentrations of economic activity in our four targeted industry clusters - healthcare and life sciences; business services; information, communication, and electronics (ICE); and the Federal Government. Plan 2035 recommends continuing to support business growth in these geographic areas..."

"Industrial/Employment" land use is described by the General Plan as, "Manufacturing and industrial parks, warehouses and distribution. May include other employment, such as office and service uses."

The approval of the subject application would be context-sensitive infill to provide a supporting use which would enhance the surrounding industrial/employment uses as well as the underserved residential uses in the neighborhood.

**Master Plan.** As noted above, the applicable Master Plan is the Approved Subregion 4 Master Plan and Endorsed Sectional Map Amendment, approved on June 1, 2010. Map 4.3, "Proposed Land Use Plan," recommends the subject property and most of the surrounding areas for "Industrial" land use, only recognizing the City of Praise church across Brightseat Road as an Institutional land use.

The Master Plan places the property in one of its nine "Industrial Areas," though mystifyingly it is in the area called "Landover Metro Center." The Master Plan does not pay a great deal of attention to the area surrounding the subject property; it is only mentioned specifically in the context of Industrial Areas Policy 2, "Improve the relationship between viable industrial and nonindustrial areas by enhancing buffers," where this policy is directed to apply to the Spectrum 95 Corporate Center. Given the varied character of land use in the neighborhood on the west side of Brightseat Road, this recommendation is germane to that part of the neighborhood, but not to the subject property which has no nonresidential neighbors.

Particularly given the purpose of the I-3 Zone to accommodate specific retail commercial uses to provide for the enhanced viability of the zone the proposed use will comport with the master plan's overall vision, and so the approval of the subject gas station as an additional use to the existing hotel would be in harmony with the recommendations of the Master Plan.

**Other Applicable Functional Master Plans.** The subject property does not contain any Regulated Areas of the County's Green Infrastructure Network; as such, the subject application conforms to the Resource Conservation Plan.

With regard to the Historic Sites and Districts Plan, no historic sites or resources are located immediately proximate to subject site; as such, the approval of the subject application will not have an adverse impact on this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject application. The Countywide Master Plan of Transportation classifies Medical Center Drive/ Bishop Peebles Drive as an arterial roadway (A-30) with six lanes, and a hard surface trail. These facilities exist. The plan also

proposes the future addition of bike lanes, which can be accomplished within the existing right-of-way and thus the approval of the subject application will not impair the Countywide Master Plan of Transportation.

The Master Plan of Transportation as amended by the Subregion 4 Master Plan illustrates the west side of Brightseat Road as the alignment of the future extension of the Purple Line to the southern part of the County.

In conclusion, because the proposed development is not in conflict with the General Plan, the Master Plan or the applicable Functional Master Plans, approval of the subject application will be in harmony with the Ordinance's purpose of implementing those plans.

The purposes of the I-3 Zone are set forth in Section 27-471(a). The four purposes of the I-3 (Planned Industrial/Employment Park) Zone are specifically laid out in Section 27-471(a)(1), as follows:

**(1) The purposes of the I-3 Zone are:**

- (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;**

**COMMENT:** The approval of the instant application, which will add a gas station with food and beverage store, will provide for a



desired amenity for the surrounding area of offices, research facilities and amenities, in harmony with this purpose of the I-3 Zone.

- (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;

**COMMENT:** Because the instant application proposes a specific retail commercial use which is provided for in the Table of Uses for the I-3 Zone, is located at the periphery of the industrial area, and fronts on an arterial roadway, the approval of this application will be in harmony with this purpose of the I-3 Zone.

- (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially;

**COMMENT:** Because the adjacent land is not being used commercially, this purpose of the I-3 Zone is not applicable to the instant application.

- (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.

**COMMENT:** Because the proposed Special Exception Site Plan was prepared in accordance with the development standards for the I-3 Zone in §27-471 and the I-3 Zone regulations in §27-474, the approval of this application will be in harmony with this purpose of the I-3 Zone.

The Specific Purposes of Conceptual Site Plans include explaining the relationships between the proposed uses and illustrating approximate locations of building and parking. The proposed CSP fulfills these specific purposes.

**Section 27-274(a)(2) Parking, Loading and circulation.**

General guidance is given regarding the location of parking and loading facilities. This relationship has already been determined for the existing hotel. The proposed gas station with food and beverage store will be constructed on the pad created to accommodate a proposed second hotel. Thus, the proposed use is working within the constraints resulting from the previous approval, which was found to conform to the site design guidelines. The parking will be located as near as possible to the uses they serve and the pedestrian circulation on site is safe and efficient.

**Section 27-274(a)(3) Lighting.** Lighting will be addressed in greater detail at the time of DSP.

**Section 27-274(a)(4) Views.** As noted above, the location of the proposed development was determined at the time of the

initial DSP approval. The development will be an attractive commercial development which will serve the broader business community along the Brighseat Road corridor.

**Section 27-274(a)(5) Green Area.** Green area will be provided in accordance with the regulations in the I-3 Zone applicable to the Subject Property.

**Section 27-274(a)(6) Site and streetscape amenities.** Site and streetscape amenities were addressed with the DSP for the hotel. The proposed new use has coordinated its proposed amenities with those already approved.

**Section 27-274(a)(7) Grading.** The site was graded at the time that hotel was constructed and the proposed new use is accommodating the existing grades.

**Section 27-274(a)(8) Service areas.** The service areas for the existing hotel were addressed at the time of DSP for that building (DSP-05021). The service areas for the gas station will be addressed with the DSP.

**Section 27-274(a)(9) Public spaces.** No public space system is proposed in conjunction with this project.

**Section 27-274(a)(10) Architecture.** The architecture will be addressed with the DSP.

**Section 27-274(a)(11) Townhouses and three family dwellings.** This consideration is inapplicable to the proposed

DSP as there are no townhouses or three family dwellings proposed.

Section 27-276(b) (4) provides as follows:

**"The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b) (5) ."**

At the time DSP-05021 was approved, the Subject Property was evaluated for conformance with the current regulations of Subtitles 25 and Subtitle 27 that came into effect on September 1, 2010 and February 1, 2012 because the application was for a new DSP and there were no previous approvals. The Planning Board found that the site does not contain regulated environmental features such as wetlands, streams, associated buffers, steep slopes, and 100-year floodplain. The Subject Property was subsequently developed in accordance with that approval. At this time, since the Subject Property has no regulated environmental features on site and, finding can be made by the Planning Board.

## **11.0 CONCLUSION**

In conclusion, the Applicant submit that the proposed DSP represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. The proposed DSP is consistent with the Special Exception site plan approved in SE-

4845 and conforms to the condition of CSP-21006 and Preliminary Plan 4-22996. For these reasons, the Applicants respectfully request approval of the DSP.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'T. Haller', with a long horizontal flourish extending to the right.


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thaller@gibbshaller.com

301-952-3972

Mar 08, 2023

## MEMORANDUM

**TO:** Mridula Gupta, Planner IV, Subdivision Section, Development Review Division

**Via:** David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division 

**FROM:** Anusree Nair, Planner II, Neighborhood Revitalization Section, Community Planning Division *AN*

**SUBJECT:** DSP-15021-01 Hyattsville Brightseat Road 7-Eleven

## FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Prior Zoning Ordinance, Master Plan conformance is not required for this application.

## BACKGROUND

**Application Type:** Detailed Site Plan for property located outside of an overlay zone.

**Location:** 1601 Brightseat Rd, Hyattsville

**Size:** 5.303 acres

**Existing Uses:** Vacant

**Proposal:** The applicant proposes to construct a 4,050 square feet 7-Eleven food and beverage store and a fueling canopy.

## GENERAL PLAN, MASTER PLAN, AND SMA

**General Plan:** *Plan Prince George's 2035 Approved General Plan* (Plan 2035) places this application within the Employment Areas Growth Policy Area. Plan 2035 describes the designated Employment Areas as having the highest concentrations of economic activity in four targeted industry clusters- healthcare and life sciences; business services; information, communication, and electronics (ICE); and the Federal Government. Plan 2035 recommends continuing to support business growth in these geographic areas-in particular in the targeted industry clusters concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies. (p. 19. Also refer to Map 1. Prince George's County Growth Policy Map, p. 18.).

**Master Plan:** The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* recommends industrial future land use for the subject property.

The subject property is in the Landover Metro Center Industrial Area (p.121) and is affected by the following goals:

- Implement zoning and land use guidelines that ensure neighboring uses complement, and not conflict, with the planned physical environment of each living and industrial area (p. 123).
- Implement initiatives and provide incentives for commercial and industrial businesses to relocate within Prince George's County (p. 123).
- Establish a priority for industrial users to locate adjacent to major thoroughfares, improving the competitive advantage in Subregion 4 (p. 123).

The subject DSP conforms to the above goals and ensures that neighboring uses complement and does not conflict with the planned physical environment of the living and industrial area. The proposed use is for commercial use and not industrial use, however it is a permitted use within the I-3 zone. The subject property is adjacent to major thoroughfares.

In addition, in Chapter 5, Living Areas and Industrial Centers, Industrial Center, Proposed Industrial Use Development Pattern recommends the following policies relevant to the property:

- Policy 1- Preserve and enhance existing industrial uses wherever possible along the northern and eastern perimeter of the subregion (p.123).
- Policy 2 -The plan also recommends improving the relationship between viable industrial and non-industrial areas by enhancing buffers (p.124).

The subject property is bounded by roadways to east, south, and west. In the north, the property abuts a vacant lot in the I-3 zone. However, the applicant is proposing 0.60 acres of woodland conservation area along the northern property, which will provide a buffer from future development to the north. The subject DSP is consistent with the above Land Use Development Pattern Policies.

While the subject property is not located within the Living Area C (Zone 1), since it is abutting the below referenced roadways, the property will be impacted by the following recommended transportation policies, and strategies in Living Area C (Zone 1):

- Policy 1- Develop bicycle-friendly roadways to improve connectivity throughout Zone 1
  - Strategies: Mid-Term -Brightseat Road: Install bike lanes from Central Avenue to Redskins Road (p.85).
  - Strategies: Long-Term Bishop Peebles Drive/Arena Drive: Implement bike lanes/sidepath from FedEx Way to the Capital Beltway (p.85).
- Policy 2- Improve pedestrian connectivity throughout Zone 1 by installing sidewalks and pedestrian amenities (p.86).
  - Strategies: Mid-Term - Brightseat Road: Install continuous sidewalks on both sides of the roadway from Redskins Road to Central Avenue (p.86).

The subject DSP is consistent with the above transportation policies; however, the applicant should work with the Transportation Planning Section to ensure that the above transportation policies are implemented.

**Planning Area:** 72

**Community:** Landover & Vicinity

**Aviation/MIOZ:** The subject property is not located within an Aviation Policy Area or Military Installation Overlay Zone.

**SMA/Zoning:** *The 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment* retained the I-3 (Planned Industrial/Employment Park) zone on the subject property. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from I-3 (Planned Industrial/Employment Park) to IE (Industrial, Employment), effective April 1, 2022.

**MASTER PLAN CONFORMANCE ISSUES:** There are no master plan conformance issues.

**OVERLAY ZONE CONFORMANCE ISSUES:** There are no overlay zone conformance issues.

**ADDITIONAL INFORMATION:** None.

cc: Long-Range Agenda Notebook  
Frederick Stachura, Planning Supervisor, Neighborhood Revitalization, Community Planning  
Division



March 22, 2023

**MEMORANDUM**

**TO:** Mridula Gupta, Planner IV, Urban Design Section  
**VIA:** Sherri Conner, Subdivision Supervisor *SC*  
**FROM:** Antoine heath, Planner II, Subdivision Section *AH*  
**SUBJECT:** DSP-15021-01; Hyattsville Brightseat Road - REVISED

The subject property is located on Tax Map 67 in Grid D1. The property is comprised of Parcel 1, recorded on a plat for the Sandpiper Property Subdivision, in the Prince George's County Land Records in Plat Book SJH 245 page 22. The property is located within the Industrial, Employment (IE) Zone; however, this amendment to a detailed site plan (DSP) was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed pursuant to the prior Planned Industrial/Employment Park (I-3) zoning of the subject property and pursuant to the prior Zoning Ordinance and Subdivision Regulations.

The property is subject to the Preliminary Plan of Subdivision (PPS) 4-22006 which was approved by the Prince George's Planning Board on March 16, 2023 (PGCPB Resolution No. 2023-32). The PPS approved two parcels for the development of 51,674 square feet of commercial development (47,624 square feet of which is existing). This PPS supersedes the final Plat of Resubdivision 5-15059 which was approved by the Planning Board (PGCPB Resolution No. 16-26) on July 7, 2016. A new final plat will be required pursuant to the current approved PPS, prior to approval of permits.

This application is an amendment to detailed site plan (DSP-15021), which was approved for two 47,624 square foot, 124-room hotel's. One of the hotels was constructed on the east side of the property and the other was not constructed. This amendment proposes to build a 4,050 square foot convenience store and 12 gas pumps in the location previously approved for the second hotel.

PPS 4-22006 was approved with 6 conditions, of which the conditions relevant to the review of this DSP are listed below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

- 1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following;**

- b. **The dimensions and area for the road dedication along Brightseat Road, ensuring a minimum of 40 feet from the centerline of Brightseat Road is provided.**
- c. **The plan and notes section shall be updated to reflect the land area for the roadway dedication, and consequently, any necessary adjusted parcel areas.**

The above conditions are for revisions the PPS, however, these items should also be reflected on the DSP. The dimensions and area for the road dedication along Brightseat Road should be shown to ensure a minimum of 40 feet from the centerline and General Note 1 should be updated to show the amount of square feet dedicated to Brightseat Road, on the DSP.

- 2. **Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, 3656-2021-00, and any subsequent revisions.**

The subject DSP is consistent with Stormwater Management (SWM) Concept Plan 3656-2021-00.

- 3. **Prior to approval, the final plat of subdivision shall include:**
  - a. **The applicant and the applicant's heirs, successors, and/or assignees shall record an access easement agreement that shows the extent and location of the easement on the subject property, as shown on the approved preliminary plan of subdivision.**
  - b. **The dedication of 10-foot-wide public utility easements along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.**
  - c. **Right-of-way dedication of 40 feet from the centerline of Brightseat Road, as shown on the approved preliminary plan of subdivision.**

Conformance to these conditions will be reviewed at the time of final plat. However, the access easement, 10-foot-wide public utility easement (PUE), and dedication of 40 feet from the centerline of Brightseat Road should be reflected on the DSP. The access easement and PUE have been shown on the DSP. However, as discussed above, the dedication of 40 feet from the centerline of Brightseat Road should also be shown.

- 5. **Any residential development on the subject property shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.**

No residential development is proposed with this DSP.

- 6. **The following facilities shall be provided and shown on the site plan:**

- a. **A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency with written correspondence.**

A 5-foot-wide bicycle lane along Brightseat Road is shown on the DSP. Conformance to this condition should be further reviewed by the Transportation Planning Section.

- b. **A minimum 5 ½-foot-wide sidewalk along the perimeter of all buildings.**

All sidewalks along the perimeter of the building are at least 5 ½ feet in width. Conformance to this condition should be further reviewed by the Transportation Planning Section.

- c. **Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.**

Crosswalks and striping are shown on the DSP. Conformance to this condition should be further reviewed by the Transportation Planning Section.

The subject site and proposed development are also subject to an approved Certificate of Adequacy ADQ-2022-037 which sets forth the development capacity for the site and other condition applicable at the time of permitting. The proposed development provided in the DSP aligns with the capacity approved under ADQ-2022-037.

**Additional Comments:**

None.

**Recommended Conditions:**

1. Prior to signature approval of the detailed site plan, the following corrections shall be made to the plans:
  - a. Update General Note 1 to show the amount of square feet dedicated to Brightseat Road.
  - b. Provide dimensions from the centerline of Brightseat Road to the property line.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The DSP has been found to be in conformance with the approved preliminary plan of subdivision with the recommended conditions. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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TTY: (301) 952-4366  
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Countywide Planning Division  
Transportation Planning Section


301-952-3680

March 22, 2023

## **MEMORANDUM**

**TO:** Mridula Gupta, Urban Design Review Section, Development Review Division

**FROM:** Benjamin Ryan, Transportation Planning Section, Countywide Planning Division  


**VIA:**  Crystal Saunders-Hancock, Transportation Planning Section, Countywide Planning Division

**SUBJECT: DSP-15021-01: Hyattsville Brightseat Road 7-Eleven**

### **Proposal:**

The subject Detailed Site Plan (DSP) proposes the construction of a 4,050-square-foot convenience store with 16 fuel pumps. The site is located at the northeast quadrant of the intersection of Brightseat Road and Medical Center Drive. The Transportation Planning review of this DSP application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

### **Prior Conditions of Approval:**

The site falls under the approval of 5-15059 and Special Exception SE-4845, which was approved for a 4,050-square-foot convenience store with 16 fueling pumps. The site also falls under the approval of Conceptual Site Plan CSP-21006 and Preliminary Plan of Subdivision 4-22006. The relevant conditions of approval related to transportation are copied below:

### **4-22006**

- Prior to the acceptance of a detailed site plan, the applicant, and the applicant's heirs, successors, and/or assigns shall:
  - a. Submit a bicycle and pedestrian plan which displays the details, location, and extent of the following facilities:
    - i. A marked bicycle lane along the subject property's frontage of Brightseat Road unless modified by the operating agency with written correspondence.
    - ii. A minimum of a 5 1/2-foot sidewalk along the perimeter of all buildings
    - iii. Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) onsite.

**Comment:** The applicant's submission reflects the above-referenced condition of approval. The bicycle lane, sidewalk, crosswalk, and striping are all accurately displayed on the submitted plans.

Additionally, per staff request, the bicycle lane has been widened from 4 to 5 feet wide, subject to written approval by DPW&T.

- Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 157 AM peak-hour trips and 160 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new Preliminary Plan of Subdivision.

**Comment:** This DSP submission includes a Trip Generation Memorandum which demonstrates conformance to the approved trip cap. The subject application considers a 4,050-square-foot convenience store with 16 fueling pumps, which results in 77 AM peak-hour trips and 70 PM peak-hour trips. Staff finds that the subject DSP is within the trip cap established with 4-22006, which also includes a hotel that has already been constructed.

### **Master Plan Compliance**

This application is subject to 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2010 *Approved Subregion 4 Sector Plan and Sectional Map Amendment*.

### **Master Plan Roads**

The subject property has frontage on Brightseat Road (C-412). Per the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2010 *Approved Subregion 4 Sector Plan and Sectional Map Amendment*, the portion of Brightseat Road that fronts the subject property is designated as a 4-lane collector roadway with an ultimate right-of-way of 80 feet. The applicant's submission accurately displays this configuration. This portion of Brightseat Road has already been constructed. The additional 5-foot-wide bicycle lane (discussed below) falls within the right-of-way and as such, no additional right-of-way dedication is being pursued with this application.

The subject property also has frontage on Medical Center Drive (A-30). Per the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, the portion of Medical Center Drive that fronts the subject property is designated as a 6-lane arterial roadway with an ultimate right-of-way of 120-150 feet. The 2010 *Approved Subregion 4 Sector Plan and Sectional Map Amendment* do not contain any recommendations regarding right-of-way width or lane configuration for this portion of Medical Center Drive. The applicant's submission displays the existing configuration of Medical Center Drive as a variable width right-of-way with 6 lanes of travel, which is consistent with MPOT recommendations. This portion of Medical Center Drive has already been constructed, and as such, no additional right-of-way dedication is being pursued with this application.

### **Master Plan Pedestrian and Bike Facilities**

The 2009 *Approved Countywide Master Plan of Transportation (MPOT)* recommends the following facilities:

Planned Bicycle Lane: Brightseat Road

The MPOT also provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT provides recommendations on how to accommodate infrastructure for people walking and bicycling.

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

**Comment:** The master plan recommended bicycle lane along the site's frontage of Brightseat Road is accurately displayed on the DSP submission. A continuous sidewalk facility is also shown along the site's frontage of Brightseat Road. Staff finds these facilities adequately serve the goals and policies as stated in the MPOT and Sector Plan and further bicycle and pedestrian movement within the site and its immediate surroundings.

### **Transportation Planning Review**

#### **Zoning Ordinance Compliance**

Section 27-283 of the Prince George's County Zoning Ordinance (Ordinance) guides detailed site plans. The section references the following design guidelines described in Section 27-274(a):

(2) Parking, loading, and circulation

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:

(ix) Pedestrian and vehicular routes should generally be separate and marked.

(x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques

(xi) Barrier-free pathways to accommodate the handicapped should be provided

**Comment:** The applicant proposes a single point of vehicle access (which is already constructed) along Brightseat Road, which will be shared with the existing hotel. Upon entering the internal access road along Brightseat Road, the subject site is located immediately to the south. Staff finds the site access to the proposed development to be sufficient. Additionally, the internal roadways are confined only to the site, thereby ensuring that no cut-through traffic will take place from any neighboring developments. The proposed use results in a requirement of 28 onsite parking spaces and one loading space. The applicant's submission displays 31 parking spaces and one loading space. Staff finds the applicant's proposed parking to be in conformance with the zoning ordinance.

The applicant has also submitted truck-turning plans displaying heavy vehicle movement throughout the site. The truck turning plans indicate that a WB-50 intermediate semi-trailer cannot safely maneuver within the site without making contact with a curb. Specifically, trucks appear to make contact with the curb area along the western edge of the site directly west of the fueling canopy, the curb area directly southeast of the proposed convenience store, and the curb area at the eastern point of vehicle access where heavy vehicles depart the site. In order to ensure safe vehicular movement on-site, prior to certification of the DSP, staff requests the applicant update the site layout which provides a vehicular path of sufficient width for a WB-50 intermediate semi-trailer to safely maneuver through the site without making contact with any curbs or other site features that could result in vehicular conflict.

The latest DSP submission displays a sidewalk along the site's frontage along Brightseat Road as well as an internal sidewalk that surrounds the convenience store. A series of crosswalks are also shown on the DSP, which provide pedestrian connections where sidewalk facilities are interrupted. Bicycle parking has been provided at the front of the convenience store, per staff request. Staff finds that the site access and circulation are sufficient and meet the required findings of the Ordinance for a detailed site plan.

**Conclusion:**

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:

1. Prior to the certification of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assigns shall:
  - a. Based on the submitted truck turning plans, modify the site layout to allow for a WB-50 intermediate semi-trailer to safely maneuver through the site. The exact design and truck turning plans with design vehicle classification shall be evaluated and accepted by the Transportation Planning Section.

Countywide Planning Division  
Environmental Planning Section

301-952-3650

March 20, 2023

**MEMORANDUM**

**TO:** Mridula Gupta, Planner III, Urban Design Section, DRD

**VIA:** Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *mm*

**FROM:** Christian Meoli, Planner I, Environmental Planning Section, CWPD *CM*

**SUBJECT: Hyattsville Brightseat Road; DSP-15021-01 and TCP2-026-2015-02**

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan (DSP-15021-01) and a Type 2 Tree Conservation Plan (TCP2-026-2015-02) received on February 9, 2023. Verbal and written comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on March 3, 2023. Revised information was received on March 16, 2023. The EPS recommends approval of DSP-15021-01 and TCP2-026-2015-02, based on the findings and conditions listed at the end of this memorandum.

**BACKGROUND**

The EPS previously reviewed the following applications and associated plans for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
DSP-87063-03	N/A	Planning Board	Approved	6/13/1991	91-210
4-91067	TCPI-044-91	Planning Board	Approved	6/27/1991	91-230
NRI-090-2015	N/A	Staff	Approved	7/7/2015	N/A
DSP-15021	TCP2-026-2015	Planning Board	Approved	2/18/2016	16-21
SE-4845	TCP2-026-2015-01	Zoning Hearing Examiner	Approved	7/26/2022	N/A
NRI-90-2015-01	N/A	Staff	Approved	10/05/2022	N/A
CSP-21006	TCP1-003-2023	Planning Board	Approved	3/2/2023	2023-22
4-22006	TCP1-003-2023-01	Planning Board	Approved	3/16/2023	2023-32
DSP-15021-01	TCP2-026-2015-02	Planning board	Pending	Pending	Pending



Hyattsville Brightseat Road  
DSP-15021-01 and TCP2-026-2015-02  
March 20, 2023  
Page 2

### **PROPOSED ACTIVITY**

Detailed Site Plan (DSP-15021-01) and a Type 2 Tree Conservation Plan (TCP2-026-2015-02) for the construction of a gas station with a food and beverage store.

### **GRANDFATHERING**

The project is subject to the current environmental regulations contained in Subtitle 25 and prior Subtitle 27 that came into effect on September 1, 2010, and February 1, 2012, because the application is for a DSP.

The current zoning for this site is Industrial, Employment (IE); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022. The prior zone for this site was Planned Industrial/Employment Park (I-3).

### **SITE DESCRIPTION**

The 5.30-acre subject property is located in the northeast quadrant of the intersection of Medical Center Drive and Brightseat Road. An access ramp to the Capital Beltway (I-495) lies to the east. This overall site was graded as part of the grading permit associated with DSP-15021 and in conformance with TCP2-026-2015. There are 0.60 acres of existing woodland along the northern boundary of the property. No regulated environmental features (REF) are located on-site. Medical Center Drive is identified as a master-planned arterial roadway and Brightseat Road is identified as a collector roadway. The site is located within the Southwest Branch, which is a portion of the Western Branch watershed of the Patuxent River basin. According to the Sensitive Species Project Review Area (SSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. The approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* shows that the parcel is entirely within an Evaluation Area. The site is located within Environmental Strategy Area 1 (ESA-1) of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*.

### **REVIEW OF PREVIOUS APPROVALS**

The site was subject to DSP-87063-03, which annexed the parcel into a proposed 24 lot subdivision. Preliminary Plan of Subdivision 4-91067 approved a 17-lot subdivision. Previous conditions of approval related to the use are not applicable to this application because the site design has changed.

Detailed Site Plan DSP-15021 and TCP2-026-2015 were approved by the Planning Board on February 18, 2016. Special Exception SE-4845 and TCP2-026-2015-01 were approved on July 26, 2022. All previous environmentally related conditions of approval applicable to the current application were addressed during previous reviews of the site. Conceptual Site Plan CSP-21006 and TCP1-003-2023 were approved by the Planning Board on March 2, 2023. Preliminary Plan of Subdivision 4-22006 and TCP1-003-2023-01 were approved by the Planning Board on March 16, 2023.

## **ENVIRONMENTAL REVIEW**

### **Natural Resource Inventory**

Natural Resources Inventory NRI-090-2015-01 was provided with this application. This NRI was approved on October 5, 2022. The site does not contain REF. The TCP2 and the DSP show all required information correctly in conformance with the NRI. No additional information is required regarding the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved TCP. A Type 2 Tree Conservation Plan (TCP2-026-2015-02) was submitted with the DSP application. No additional clearing is proposed as part of this submission. The TCP2 worksheet reflects the previously approved TCP2-026-2015-01 worksheet. The site is 5.30 acres, has a woodland conservation threshold of 0.80 acres (15 percent), and a total requirement of 2.09 acres. The TCP2-026-2015-01 approved 4.60 acres of woodland clearing, and 0.60 acres of woodland on-site designated as Woodland Preservation Area Not Credited (WP-NC). The 0.60-acre WP-NC is less than 50 feet wide in several places, therefore it could not be used to meet woodland conservation requirements. The woodland conservation requirement was met with 2.09 acres of off-site woodland conservation (Liber 39536 Folio 334), which was acquired with the implementation of permits in conformance with TCP2-026-2015.

### **Specimen Trees**

The site does not contain any specimen, champion, or historic trees.

### **Regulated Environmental Features**

Section 24-130(b)(5) of the Subdivision Regulations requires the following finding: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

No REF exist on-site; therefore, none will be impacted by the proposed development, and staff finds that the REF have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirement of Section 24-130(b)(5).

### **Soils**

The predominant soils found to occur, per the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS), are Collington-Wist, Collington-Wist-Urban land, Udorthents highway, Urban land-Collington-Wist and Widewater, and Issue soils. According to available information, Marlboro clay and Christiana complex are not identified on the property.

**Stormwater Management**

An approved stormwater management (SWM) concept plan and approval letter were submitted with the subject application (Concept approval #3656-2021-00). The approval was issued on June 7, 2021, by Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The applicant proposes four micro-bioretenion facilities to treat stormwater for the entire project site. No further information pertaining to SWM is required.

**SUMMARY OF RECOMMENDED FINDING AND CONDITION**

The EPS has completed the review of DSP-15021-01 and TCP2-026-2015-02 and recommends approval, subject to the following finding and conditions:

**Recommended Finding:**

1. The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features (REF) in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5). There are no REF on the site.

**Recommended Conditions:**

1. Prior to the certification of the detailed site plan, the TCP2 shall be revised as follows:
  - a. Add the approval information for the -01 revision in the Environmental Planning Approval Block.
  - b. Depict the new property boundaries (based on 4-22006) on the plan and update the parcel information on Sheet Two (black-lined version of the plan).



Countywide Planning Division  
Historic Preservation Section

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March 15, 2023

**MEMORANDUM**

**TO:** Mridula Gupta, Subdivision Section, Development Review Division

**VIA:** Tom Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

**FROM:** Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**  
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**  
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

**SUBJECT: DSP-15021-01; Hyattsville Brightseat Road**

The subject property comprises 5.30 acres and is located in the northeast quadrant of the intersection of Arena Drive and Brightseat Road. The subject property is zoned I-E and located within the 2010 *Approved Subregion 4 Master Plan* area. The subject application proposes a development of a 3,969 square-foot gas station with a food or beverage store.

The subject property is within the 2010 *Approved Subregion 4 Master Plan* area. The Master Plan contains goals and policies related to Historic Preservation (pages 287-296). However, these are not specific to the subject site or applicable to the proposed development.

A Phase I archeology survey was completed on the subject property in 1995. One archeological site was identified – 18PR507, a prehistoric lithic scatter. No further investigations were requested on the site. Historic Preservation Section staff concurs that no additional archeological investigations are necessary on the subject property.

The subject property does not contain, and is not adjacent to, any designated Prince George's County Historic Sites or resources. The Historic Preservation Section staff recommends approval of DSP-15021-01, Hyattsville Brightseat Road, without conditions.

March 26, 2023

**MEMORANDUM**

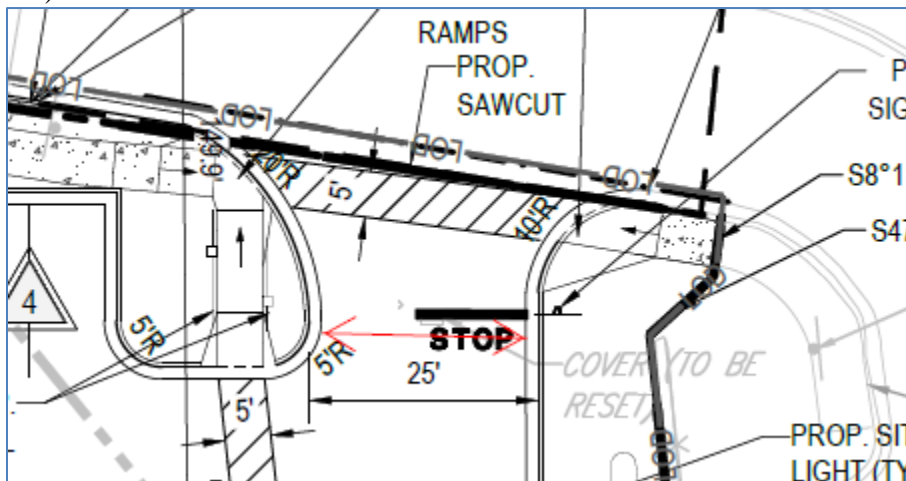
TO: Mridula Gupta, Subdivision

FROM: Jason Bartlett, Permit Review Section, Development Review Division *JTB*

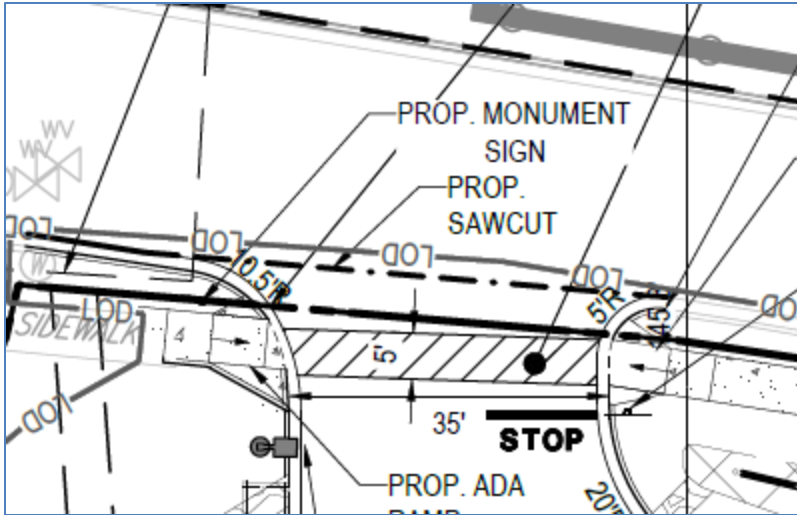
SUBJECT: Referral Comments for DSP-15021-01, Hyattsville Brightseat Road (PB)

NOTE: The following comments are related to the revised plan provided by the applicant in response to SDRC comments.

1. Sec. 23-139(b)(1) states that all entrances shall be 30-45'. The second entrance to proposed P.2 for the gas station and C-store does not meet the minimum 30' requirement. The width of currently provided is also not shown at the entrance's narrowest point (indicated below in red):



2. On sheet 3, better identify the monument sign. Aside from an arrow, there is no way to tell where it is or how wide it may be. Provide better symbol and show setbacks. Refer to image below. There is room on sheet three for an enlarged insert of the area to better clarify, if necessary.



3. On sheet 1, cross out “EXISTING” in General Note 3, as shown in blue below:

3. <del>EXISTING</del> ZONING: I-3	PRIOR ZONING: I-3 (PLANNED INDUSTRIAL/ EMPLOYMENT PARK) CURRENT ZONING: IE (INDUSTRIAL, EMPLOYMENT ZONE)
------------------------------------	---

4. On sheet 1, General Note 6 and 7 shown below are somewhat confusing:

6. BREAKDOWN OF DWELLING UNITS BY TYPE.	6A. BREAK DOWN OF PROPOSED UNITS BY TYPE:
a. HOTEL: 2	a. CONVENIENCE STORE WITH GAS STATION: 1 STORE AND 1 FUEL STATION
7. GROSS FLOOR AREA: 11,908 SF PER FLOOR (4 FLOORS TOTAL) = 47,624 SF	PROP. PARCEL 2: 4,050 SF CONVENIENCE STORE
8. 200 FOOT MAP REFERENCE NUMBER (WSSC): 202NE08	

The following revision is recommended:

6. BREAKDOWN OF <del>DWELLING</del> <sup>PROPOSED</sup> UNITS BY TYPE.	
a. <del>HOTEL</del> : EXISTING HOTEL	b. PROPOSED GAS STATION WITH CONVENIENCE STORE
7. GROSS FLOOR AREA: a. EXIST HOTEL: 11,908 SF PER FLOOR (4 FLOORS TOTAL) = 47,624 SF (PROPOSED PARCEL 3)	b. PROPOSED GAS STATION WITH CONVENIENCE STORE = 4,050 SF (PROPOSED PARCEL 2)
8. 200 FOOT MAP REFERENCE NUMBER (WSSC): 202NE08	

5. In the revised parking schedule for the 7-Eleven on sheet 1, 3 & 4, insert the zoning reference used to justify the 20% reduction (e.g.: \*20% PARKING REDUCTION, **PER SEC. 27-?**: TOTAL = 21 X 0.80 = )
6. On sheet 3, provide a width dimension for one of the 9-bay parking spaces in front of the 7-Eleven.
7. Provide details for the retaining wall. I did not see one in the DSP plan set.

8. On sheet 3, add the retaining wall height and type to the callout and where the detail can be found.
9. On sheet 3, add the location where the detail can be found to the callout for the trash enclosure,
10. Fence detail 8/5 on sheet 5 is not called out on the site plan. Where is this fence?



Angela D. Alsobrooks  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Permitting, Inspections and Enforcement  
Site/Road Plan Review Division



**MEMORANDUM**

March 21, 2023

**TO:** Mridula Gupta, Urban Design Section  
Development Review Division, M-NCPPC

**FROM:** Mary C. Giles, P.E., Associate Director *Mary Giles*  
Site/Road Plan Review Division, DPIE

**Re:** DSP-15021-01, Hyattsville Brightseat Road

**CR:** Brightseat Road (County)  
**CR:** Medical Center Drive (MDSHA)

This memorandum is in response to Detailed Site Plan DSP-15021-01. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The proposed development is located on the northeast quadrant of the intersection of Medical Center Drive and Brightseat Road.
- The applicant proposes to subdivide the property (parcel 1) into two parcels, one for the existing hotel and the second for the proposed convenience store with gas station. Total development for the two parcels is 51,674 square feet of commercial development.
- DSP-15021-01 is consistent with the Site Development Concept Plan 3656-2021, which was approved June 7, 2021.

**DPIE Site Road Traffic Comments:**

- In the permitting stage, the applicant is to provide frontage improvements for Brightseat Road per its status as a Collector roadway in the Master Plan. Improvements including but not limited to street lighting, signing and pavement marking, street trees, and MOT.
- In the permitting stage, the applicant to provide a bike lane along Brightseat Road, as per the Master Plan.



- Arena Drive is a state roadway, as such we defer all comments on Arena Drive to the Maryland Department of Transportation State Highway Administration (MDOT SHA).
- DPIE has no objection to DSP-15021-01.

If you have any questions or require additional information, please contact Mr. Steve Snyder, P.E, the District Engineer for the area, at (301) 883-5710.

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE  
Applicant: Hyattsville Brightseat Road, RE, LLC , 5850 Waterloo Road, Suite 210,  
Columbia, MD 21045  
Agent: Bohler Engineering, 16701 Melford Blvd, Suite #310, Bowie, MD 20715



*Division of Environmental Health/Disease Control*

Date: February 17, 2023

To: Mridula Gupta, Urban Design, M-NCPPC

From:  Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-15021-01, Hyattsville Brightseat Road

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the Detailed Site Plan submission for the 7-Eleven store located on 1603 Brightseat Road in Hyattsville and has the following comments / recommendations:

1. Health Department permit records indicate there are approximately 5 carry-out/convenience store food facilities and no markets/grocery stores within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes. ***The 7-Eleven convenience stores are known to provide healthy food options for retail.***
2. The applicant must submit plans to the Plan review office at the Department of Permits Inspection and Enforcement (DPIE) for the proposed food facility.  
<https://www.princegeorgescountymd.gov/1577/Applications>
3. The applicant must apply to the Health Department for a food service facility permit at <https://momentumhome.princegeorgescountymd.gov/>.
4. Installation of the underground storage tanks must fully comply with all applicable provisions of the Code of Maryland Regulations (COMAR) 26.10.03 to be protective of the on-site
5. The applicant should assure that all sources of air pollution have been registered with the Maryland Department of the Environment, Air and Radiation Management Administration. Such sources include gasoline underground storage tanks, degreasing tanks and paint spraying operations. Contact MDE – ARMA at 800-633-6101.



Environmental Engineering/Policy Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/health](http://www.princegeorgescountymd.gov/health)



*Division of Environmental Health/Disease Control*

6. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
7. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepoju@co.pg.md.us](mailto:aoadepoju@co.pg.md.us).



Environmental Engineering/Policy Program  
Largo Government Center  
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# Certificate of Adequacy

ADQ- 2022-037

**General Information**

Project Name: Hyattsville Brightseat Road  
 Case Number: ADQ-2022-037  
 Associated Preliminary Plan of Subdivision or Final Plat: 4-22006  
 Use Type: Commercial  
 Dwelling Unit Type and Number: N/A Gross Floor Area (nonresidential): 51,674 SF

**Project Location**

Project Location: Northeast quadrant of the intersection of Medical Center Drive and Brightseat Road.  
 Lot/Parcel: Existing Parcel 1 Tax Account: 1391309  
 Property Zone: IE Council District: 05  
 Planning Area: 72 Municipality: N/A  
 Election District: 13 Transportation Service Area: 1  
 Police District: III School Cluster Area: N/A

**APPLICABILITY OF PUBLIC FACILITY ADEQUACY STANDARDS**

Facility	Level of Service Required	Adequacy Met (Yes/No/NA)	Conditions of Adequacy Approval (Yes/No)
Transportation: Service Area 1 and designated boundaries of 1	LOS "E" (Critical Lane Volume of 1451-1600)	Yes	Yes
Pedestrian and Bikeway	Public Facilities provided in accordance with Section 24-4506	N/A	No
Parks and Recreation ( <i>Transit-Oriented/ Activity Center Zones and Employment Areas</i> )	2.5 acres per 1,000 residents	N/A	No
Parks and Recreation ( <i>All Other Zones</i> )	15 acres per 1,000	N/A	No
Police—Residential Use	25 minutes for non-emergency calls; 10 minutes for emergency calls	N/A	No
Fire and Rescue—Residential Use	7 minutes travel time	N/A	No
Fire and Rescue—Non-Residential Use	5 minutes response time	Yes	Yes
Schools	<105% capacity or mitigation in accordance with Section 24-4510(c)	N/A	No

This Certificate of Adequacy is issued in accordance with Section 24-4503 of the Subdivision Regulations of Prince George's County, Maryland and in accordance with the analysis contained in the following memorandums attached hereto:

- *Transportation Planning Section (Ryan to Heath, February 24, 2023)*
- *Special Projects Section (Ray to Heath, February 28, 2023)*

**Based on the forgoing analysis, this Certificate of Adequacy is:**

Approved  Approved with the conditions (indicated here):

Denied

1. Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 157 AM peak-hour trips and 160 PM peak-hour vehicle trips.
2. Prior to issuance of a use and occupancy permit for any new nonresidential development on the site, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Install and maintain of sprinkler system that complies with the National Fire Protection Association (NFPA) 13 standards for the installation of Sprinkler Systems. The installation of sprinklers shall not be waived by any party; and
  - b. Install and maintain automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, including a requirement for a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.

**SIGNATURE**

Checkley, Andree

Digitally signed by Checkley, Andree  
Date: 2023.03.07 13:06:43 -05'00'

03/07/2023

Planning Director

Date of Approval

This certificate of adequacy is valid for 12 years from the date of approval, subject to the additional expiration provisions of Section 24-4503(c).

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Industrial, Employment Zone (IE); and

WHEREAS, the applicant, Brightseat Property LLC, submitted an application for approval of a conceptual site plan; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, an application may elect to be reviewed and decided in accordance with the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on March 2, 2023, regarding Conceptual Site Plan CSP-22003 for Brightseat Industrial, the Planning Board finds:

1. **Request:** This conceptual site plan (CSP) approves a 152,080-square-foot distribution warehouse on a single, 12.04-acre vacant parcel in the Industrial, Employment (IE) Zone (prior Industrial/Employment Park (I-3)), with two proposed access points to Brightseat Road.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	IE (Prior I-3)	IE (Prior I-3)
Use(s)	Vacant	Distribution Warehouse
Gross Acreage	12.04	12.04
Total Gross Floor Area (GFA)	-	152,080 sq. ft.
Residential Dwelling Units	-	-

3. **Location:** The subject property is located in the eastern quadrant of the intersection of Brightseat Road and Jericho City Drive, in Planning Area 72 and Council District 5. The subject 12.04-acre property is located in Tax Map 67 Grid D1. The property consists of one parcel, known as Parcel 4, and is vacant.
4. **Surrounding Uses:** The site is bounded to the north by warehouse uses in the IE Zone; to the south by a hotel use and a proposed gas station with a food or beverage store in the IE Zone (via CSP-21006, which had a Prince George's County Planning Board hearing date of March 2, 2023); to the east by I-95/495 (Capital Beltway); and to the west by Brightseat Road.
5. **Previous Approvals:** The site was the subject of a sectional map amendment, which approved the rezoning of the property to the I-3 Zone on November 8, 1977. No prior approvals have been evaluated by the Planning Board for the site. A Preliminary Plan of Subdivision (PPS) 4-22046 has a Planning Board date of March 30, 2023. A detailed site plan (DSP) is being reviewed in the pre-acceptance stage.
6. **Design Features:** This CSP approves development of a 152,080-square-foot, single-story, distribution warehouse on a 12.04-acre site. The approved warehouse will be accessed from two points on Brightseat Road. The access point to the north connects to a parking lot with standard vehicle spaces for employees and customers to access the main entrances for tenants. The access point to the south connects to a parking lot with loading spaces and loading docks. The orientation of the rectangular building layout, with the long sides facing north and south and the short sides facing east and west, provides numerous advantages for the functionality of the site. This layout allows for two parking lots that separate customer and employee circulation from loading circulation, and avoids having the loading area face the Capital Beltway. The building design proposes up to six tenants and will have multiple entrances oriented towards the side yard, facing north. The conceptual architecture complements the existing surrounding warehouse uses and includes a faux entrance facing Brightseat Road, with brick veneer and gray access panels, and will be further evaluated at the time of DSP. Stormwater for the site will be managed and treated in a series of five bioretention facilities, two submerged gravel wetlands, and underground storage pipes.

**Signage:** This CSP included illustrative design for the entrance signage. The development includes two 6-foot-tall freestanding signs proposed at both access points to the site. The sign design will need to demonstrate conformance with the requirements of Part 12 (Signage) of the prior Zoning Ordinance, at the time of DSP.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the I-3 Zone and the site design guidelines of the prior Zoning Ordinance. The development is in the I-3 Zone and, in accordance with Section 27-471(d) of the Zoning Ordinance, all uses and improvements are subject to both CSP and DSP approval, prior to issuance of any permits.

- a. The application is subject to the requirements of Section 27-473, Uses Permitted in Industrial Zones, of the prior Zoning Ordinance.

The development approved in this CSP is a distribution warehouse. In the I-3 Zone, Section 27-473 permits a distribution warehouse, subject to the provisions in Section 27-471, which are discussed as follows:

**(a) Purposes**

**(1) The Purposes of the I-3 Zone are:**

- (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;**
- (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;**
- (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially; and**
- (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.**

The development fulfills the purposes of the I-3 Zone. The site provides employment opportunities in an infill industrial site, is accessible to neighboring commercial uses to the south; creates a mixture of commercial, industrial, and office uses within the surrounding properties; and the distribution warehouse use is permitted in the I-3 Zone. The distribution warehouse use will not adversely



affect surrounding properties and the applicable development standards will be reviewed, at the time of DSP.

**(b) Landscaping, screening, and buffering of development in the I-3 Zone shall be provided as set forth in the Landscape Manual**

The DSP will be reviewed for conformance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

**(c) Outside uses.**

- (1) With the exception of off-street parking and loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), vehicle rental lots, and public utility uses, all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.**

The distribution warehouse use will be located within a wholly enclosed building and the application does not include any outdoor storage.

**(f) Regulations.**

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

These additional regulations will be addressed, at the time of DSP.

- (2) Not more than 25 percent (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional 15 percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.**

This section will be required to be met, at the time of DSP. The conceptual design appears to require a variance, which would also be evaluated, at the time of DSP.

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

A parking lot, with several loading spaces, is located in the southern portion of the property, adjacent to Brightseat Road. Compliance with this section will be evaluated, at the time of DSP.

**(g) Warehousing.**

- (1) Warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises may be permitted, subject to the following:**

**(A) Not more than twenty percent (20%) of the net tract area of the entire Planned Industrial/Employment Park shall be devoted to these uses (including accessory uses such as off-street parking and loading areas).**

**(B) More than twenty percent (20%), but not more than thirty percent (30%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if at least five percent (5%) of the net lot area (of the lot on which the use is proposed) is devoted to green area. This green area shall be in addition to any other green area required by this Part. This additional green area shall either serve to preserve irreplaceable natural features, be designed so that the visual impact of the facility will be relieved (either by natural features or changes in grade), or provide distinctive furnishings (such as sculptures, fountains, and sidewalk furniture).**

**(C) More than thirty percent (30%), but not more than fifty percent (50%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if, in addition to meeting the requirements of (B), above, the Planning Board finds:**

- (i) That the tract is suited for these uses because of its accessibility to railways or highways that readily accommodate warehousing;**
- (ii) That the traffic generated by the uses is not directed through residential neighborhoods;**

- (iii) That the use is compatible with surrounding existing land uses and those proposed on the Master Plan. In determining compatibility, the Planning Board shall consider architectural or physical features of the facility and may require that these features be compatible with surrounding land uses.**
- (D) The remainder of the park shall be devoted to other uses, in the case of (A), (B), or (C), above.**
- (E) Notwithstanding the provisions of Subsections (g)(1)(A) through (D) of this Section, above, the development restrictions on warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises shall not apply to property which lies entirely within the I-95/I-495 (Capital Beltway), contains less than 15 acres, is vacant at the time of filing of a Conceptual Site Plan application, and was originally classified in the I-3 Zone pursuant to a Sectional Map Amendment approved before January 1, 1978.**

The subject property conforms with Section 27-471(g)(1)(E) and is not required to meet the restrictions on warehousing in the I-3 Zone. The site is entirely inside the Capital Beltway; consists of 12.04 acres; is vacant at the time of filing a CSP application; and was classified in the I-3 Zone, pursuant to the Model Neighborhood Sectional Map Amendment, which was approved on November 8, 1977.

**(h) Required access.**

- (1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet.**

This CSP provides two access points from Brightseat Road, which has a right-of-way width of 80 feet. The site has frontage on the Capital Beltway, but access is denied, as the Beltway is a designated freeway. The two provided access points will be evaluated, at the time of PPS and DSP.

**(i) Minimum area for the development.**

- (1) The minimum area for the development of any Planned Industrial/Employment Park shall be twenty-five (25) gross acres.**

- (2) **If the area is less than twenty-five (25) acres but not less than fifteen (15) acres, the property may be classified in the I-3 Zone when the property adjoins property in the C-O Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (3) **If the area is less than twenty-five (25) acres, the property may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone, provided that the area of the combined properties is at least twenty-five (25) gross acres.**
- (4) **If the area is less than twenty-five (25) acres, and the land was classified in the I-3 Zone prior to October 31, 1977, or upon approval of a Sectional Map Amendment, it may be developed in accordance with this Part, provided the owner of record does not own abutting undeveloped land in the I-3, E-I-A, or C-O Zone that could be used to comply with the provisions of paragraph (1), (2), or (3), above.**

The subject property conforms with Section 27-471(i)(4). The property was classified in the I-3 Zone by a sectional map amendment approved on November 8, 1977, and the owner of record does not own abutting undeveloped land that could be used to conform to the minimum acreage requirements.

- b. Section 27-474 of the prior Zoning Ordinance establishes regulations applicable to all industrial zones. The subject application meets the requirements of the I-3 Zone, which include the following:
  - The site provides a 30-foot building setback from Brightseat Road.
  - The site provides more than a 20-foot building setback from adjoining land zoned nonresidential.
  - The site provides a net lot area greater than 87,120 square feet.
  - The site provides lot frontage greater than 150 feet.
  - The site provides building coverage less than 90 percent and a minimum green area of at least 10 percent, in accordance with Section 27-474(e) Footnote 2, due to the location of the property within one mile of land owned by the Washington Metropolitan Area Transit Authority.
- c. The CSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the prior Zoning Ordinance. The approved development concept provides a 152,080-square-foot warehouse distribution building that anticipates multiple tenants, with primary entrances facing to the north of the site. Two access points with two separate parking areas, one for employees and customers and one for loading, are

provided with separate circulation systems. Detailed designs of all buildings, site infrastructure, features, and amenities will be further reviewed, at the time of DSP.

The CSP anticipates and aims to achieve the following design options:

- The parking lot and loading area have been separated to provide safe and efficient vehicular and pedestrian circulation within the site. The parking areas are located in the side yards of the site, to avoid facing either Brightseat Road or the Capital Beltway, minimizing the view of parking areas from the public. The loading area will be adequately screened and is conveniently located to the building.
  - The CSP depicts two entrance drives into the site from Brightseat Road. The location and design of these entrance drives will be evaluated with the PPS and DSP; however, the entrance drives should provide adequate space for queuing.
  - Internal signs, such as directional arrows, lane markings, and other roadway commands, will be used to facilitate safe driving through the parking lot.
  - Lighting should be used to illuminate important on-site elements, such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated, if appropriate to the site.
  - Site design techniques should be used to preserve, create, or emphasize scenic views from the two roadway frontages, Brightseat Road and the Capital Beltway.
  - On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design, to fulfill its intended use.
  - The site landscaping will comply with all requirements of the Landscape Manual, and native species will be used throughout the development.
  - Building architecture and materials will be high-quality and visually interesting and will be compatible with the architecture of the neighboring warehouse uses. Conceptual architecture is provided and will be evaluated at the time of DSP.
- d. The approved development is required to provide parking, including loading spaces, in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. According to the CSP, 186 parking spaces and 45 loading spaces will be provided. Demonstration of adequacy of parking and loading spaces will be required, at the time of DSP review.

- e. The approved development provides signage, which is required to conform with Part 12. The CSP provides illustrative conceptual signage, which includes two 6-foot-tall freestanding signs at both access points to the site. The sign design will need to demonstrate conformance with the requirements of Part 12, at the time of DSP.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-021-2022) has been submitted with this CSP application.

Based on the TCP1 submitted with this CSP application, the site is 12.04 acres, contains 6.24 acres of woodland in the net tract, and has a woodland conservation threshold of 1.81 acres (15 percent). The Woodland Conservation worksheet approves the removal of 5.92 acres of woodland, for a woodland conservation requirement of 5.89 acres. According to the TCP1 worksheet, the requirement will be met with 0.64 acre of afforestation/reforestation on-site and 5.25 acres of off-site woodland conservation credits. The TCP1 shall be corrected to show the landscape credits being used, along with technical corrections, prior to certification.

Based on the TCP1 submitted, the applicant requests to deviate from the established priorities for how the WCO is satisfied, per Section 25-122(c)(1). The applicant provided justification on why the site requires a combination of on-site preservation, on-site landscaping credits, and off-site preservation. The Planning Board has reviewed the justification and deems the methodology satisfactory for approval.

9. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only.
  - a. **2010 Prince George's County Landscape Manual:** The approved development will be subject to the requirements of the Landscape Manual, including Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3 Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Based on the CSP and stormwater management (SWM) plan provided, a stormwater facility is present on the southern border of the property, within a Section 4.7 incompatible use landscape buffer, which will be addressed when the Type 2 tree conservation plan (TCP2) is filed with the DSP.
  - b. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned I-E are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 12.04 acres in size and the required TCC is 1.20 acres.

Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated, at the time of DSP.

10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
- a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated January 3, 2023 (Smith to Butler), which concluded that the probability of archeological sites within this property is low and that a Phase I archeology survey will not be recommended. Further, the memorandum indicates that this property does not contain and is not adjacent to any Prince George’s County historic sites or resources.
  - b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated January 30, 2023 (Nair to Shelly), which provided that, pursuant to Part 3, Division 9, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
  - c. **Transportation Planning**— The Planning Board has reviewed and adopts the memorandum dated January 26, 2023 (Patrick to Shelly), which indicates that the approved transportation is acceptable for a CSP review, subject to conditions herein, and provides the following comments:

#### **Master Plan Compliance**

##### **Master Plan Roads**

The subject property is impacted by Brightseat Road, along the western boundaries of the site. The 2009 *Countywide Master Plan of Transportation* (MPOT) and the master plan recommend the portion of Brightseat Road, along the property’s frontage, as a four-lane facility with 80 feet of right-of-way.

The latest CSP submission shows the extent of the ultimate right-of-way, along the property’s frontage, consistent with the master plan’s recommendation. The Planning Board finds the CSP acceptable, but requires that 40 feet of right-of-way dedication from the centerline be shown on the subsequent PPS application.

##### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends a planned bike lane on Brightseat Road, along the property’s frontage.

The MPOT also provides policy guidance regarding multimodal transportation and the Complete Streets element of the recommends how to accommodate infrastructure for people walking and bicycling.

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

This portion of Brightseat Road, that fronts the subject property, also falls within the area of the master plan, which makes similar recommendations.

The applicant has indicated intent to install shared-lane (sharrows) markings along Brightseat Road, instead of the recommended dedicated bike lane, unless otherwise modified by the Prince George's County Department of Permitting, Inspections and Enforcement. The Planning Board does not support the modification to install sharrows, as this will change the functionality of the recommended master plan facility as a separate continuous/uninterpreted bike lane, which was not considered and adopted by the County Council. Furthermore, the Planning Board is concerned about the safety implications of a shared roadway, along this section of Brightseat Road, which will have an ultimate configuration of a four-lane collector roadway that will support a high volume of vehicular traffic. A dedicated bike lane would provide the necessary separation for vehicles and bicyclists and would facilitate safe mobility for nonmotorized travel, as designated in the MPOT. Installation of the bike lane will also be consistent with pending and approved developments near the site. For these reasons, the Planning Board requires that a bicycle lane be installed, along the subject property's frontage of Brightseat Road, and be shown on the subsequent DSP.

In addition, to facilitate the master plan policies for pedestrian connectivity, the Planning Board requires that a minimum 6-foot-wide sidewalk be provided along the perimeter of all buildings, and that crosswalks are provided to facilitate pedestrian connections with the parking area and buildings.

#### **Transportation Planning Review**

##### **Zoning Ordinance Compliance**

Section 27-274 discusses transportation and circulation requirements for a CSP, and includes the following design guidelines in Section 27-274(a):



**(2) Parking, loading, and circulation.**

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:**
- (ii) Parking spaces should be located as near as possible to the uses they serve;**
  - (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:**
- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;**
  - (ix) Pedestrian and vehicular circulation routes should generally be separate and clearly marked;**

The latest CSP submission shows conceptual routes for vehicular and pedestrian circulation, along the property's Brightseat Road frontage and within the site. The CSP shows that access will be provided via two vehicle access connections, along Brightseat Road, which will allow for full turning movements to/from the site. The plans show that surface parking is separated where employee parking is provided, on the northern side of the building, while the southern surface parking area will be utilized for the loading operation. The separated parking will help to eliminate conflicts between trucks and pedestrians, and staff find this acceptable. A sidewalk is provided, along the western side of the building, that will allow pedestrian movements around the building, in addition to a sidewalk connection that will provide a pedestrian connection from Brightseat Road. The Planning Board finds that the vehicular access and circulation are sufficient and meet the required findings, per Section 27-274.

- d. **Subdivision**— The Planning Board has reviewed and adopts the memorandum dated January 30, 2023 (Vatandoost to Shelly), in which it was determined that a new PPS, certificate of adequacy, and final plat will be required for the proposed development.

The subject property is located in Tax Map 60, Grids C-4 and D-4 and Tax Map 67, Grids C-1 and D-1. The property consists of 12.4 acres and is located within the IE Zone. However, this CSP application was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed, pursuant to the prior I-3 zoning of the property and prior Prince George’s County Subdivision Regulations.

This CSP application approves industrial development; specifically, a 152,080-square-foot distribution warehouse on the subject property. There are no prior PPS applications approved for the subject property. The approved CSP development will require a PPS and a certificate of adequacy, in accordance with Section 24-107 of the prior Subdivision Regulations. PPS 4-22046 and Certificate of Adequacy ADQ-2022-032 have been submitted for this site, which are currently being reviewed. The PPS is scheduled to be heard by the Planning Board on March 30, 2023. The Planning Board notes that PPS 4-22046 will be reviewed, pursuant to Section 24-1900 of the Subdivision Regulations and not Section 24-1703, since this CSP was accepted for review after April 1, 2022.

The property is known as Parcel 4, which is a deed parcel described in the Prince George’s County Land Records in Liber 37146 at folio 216. There are no prior final plats of subdivision recorded for this property. Final plats of subdivision will be required, subsequent to certification of this CSP and following approval of the PPS and DSP, before any building permits may be approved for development of this site.

The CSP shows one parcel with two access points to Brightseat Road. No public or private streets are proposed for the development. The location of access points and any required public right-of-way dedication will be reviewed further with the PPS application. Also, the location of public utility easements, required along all public streets, will be determined with the PPS.

- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated January 30, 2023 (Rea to Shelly), which provided the following summarized comments on the subject application, including that the development was acceptable, with conditions related to the TCPI.

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-068-2022	N/A	Staff	Approved	05/26/2022	N/A
CSP-22003	TCP1-021-2022	Planning Board	Pending	Pending	Pending

### **Approved Activity**

CSP-22003 and TCP1-021-2022 are approved for construction of a 152,080-square-foot warehouse and associated infrastructure. The current zoning for the site is IE; however, the applicant has opted to apply the zoning standards to this application that were in effect, prior to April 1, 2022, for the I-3 Zone.

### **Grandfathering**

The project is subject to the environmental regulations contained in prior Subtitles 24 and 27, and Subtitle 25 that came into effect on September 1, 2010, because the application will require a new PPS.

### **Site Description**

The subject application area is 12.04 acres and is located on the east side of Brightseat Road and is west of the Capital Beltway. A review of available information indicates that no regulated environmental features, such as streams and wetlands with associated buffers, are present on-site.

According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, and used on PGAtlas, there are no rare, threatened, or endangered (RTE) species found to occur on or near this property. During the natural resources inventory (NRI) review process, a letter dated March 2, 2022 was submitted from the Wildlife and Heritage Service stating that there are no known RTE species found to occur on or near this property. This site is located in the Southwest Branch sub-watershed that flows into the Western Branch watershed, located within the Patuxent River basin. The site has frontage on Brightseat Road, which is identified as a collector roadway, and the Capital Beltway to the west, which is identified as a freeway. The site is located within Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. According to the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, two-thirds of the entire project area, except for the center of the site, is identified as being in an evaluation area.

### **Natural Resources Inventory**

Natural Resources Inventory NRI-068-2022 was approved on May 26, 2022, and was provided with this application. This site is not associated with any regulated environmental features (REF), such as streams, wetlands, or associated buffers. No specimen or historic trees are associated with this site. The TCP1 and the CSP show all of the required information correctly, in conformance with the NRI. No additional information is required for conformance to the NRI.

### **Soils**

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Collington-Wist complex and Collington-Wist-Urban land complex. Marlboro clay and Christiana

complexes are not found on or near this property. A geotechnical analysis is not required, at this time, but will be required with the DSP application.

**Stormwater Management**

An approved SWM Concept plan (22460-2022) and letter were submitted with the subject application. Proposed SWM features include five micro-bioretenion facilities, two submerged gravel wetlands, and underground storage pipes. No further information is required, regarding SWM with this application.

- f. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated December 21, 2022 (Giles to Butler), in which DPIE offered a review of roadway, trail, and bike lane requirements for this site, and proposed conditions to be reviewed, at the time of permit.
11. As required by Section 27-276(b)(1) of the prior Zoning Ordinance, the CSP represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the development for its intended use.
12. Section 27-276(b)(4) of the prior Zoning Ordinance requires that, for approval of a CSP, the REF on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Subdivision Regulations. The Planning Board has reviewed and adopts the Environmental Planning Section memorandum (Rea to Shelly, January 30, 2023), in which it found there are no REF on the site; therefore, none will be impacted by the proposed development.
13. **Planning Board Hearing:** The applicant submitted Applicant’s Exhibit 1, striking Conditions 1a and 1b in the staff report from the record, due to these conditions being considered comments for a TCP2 and not a TCP1. The Planning Board agrees with the applicant and removed Conditions 1a and 1b, within the staff report, from the resolution.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-021-2022, and further APPROVED Conceptual Site Plan CSP-22003 for the above-described land, subject to the following conditions:

1. Prior to certification of approval of the conceptual site plan, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
- a. Revise the worksheet to show landscape credits being used.
  - b. Correct Note 10 of the standard TCP1 notes, the correct section number is 25-119.
  - c. Have the plans signed and dated by the qualified professional who prepared them.

2. At the time of preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall show a minimum of a 40-foot right-of-way dedication from the centerline, along the property's frontage of Brightseat Road.
3. Prior to acceptance of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. A geotechnical analysis
  - b. A bicycle and pedestrian plan, which displays the details, location, and extent of the following facilities:
    - (1) A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency with written correspondence.
    - (2) A minimum of a 6-foot-wide sidewalk along the perimeter of all buildings.
    - (3) Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.
4. Prior to issuance of permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. Frontage improvements for Brightseat Road including, but not limited to, street lighting, signing and pavement marking, street trees, and dedication of right-of-way.
  - b. Adjustments to the ramps, so flares are not outside the right-of-way lines.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

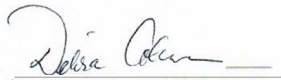
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, March 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of March 2023.

Peter A. Shapiro  
Chairman

By Jessica Jones  
Planning Board Administrator

PAS:JJ:AS:rpg

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

Dated 3/14/23

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF THE ZONING HEARING EXAMINER**

**SPECIAL EXCEPTION**

**4845**

**AND**

**VARIANCE**

**4845**

**DECISION**

Application: Gas Station, Food or Beverage Store  
and Variance  
Applicant: Hyattsville Brightseat Road RE, LLC  
Opposition: None  
Hearing Dates: January 26, 2022 and March 9, 2022  
Hearing Examiner: Maurene Epps McNeil  
Disposition: Approval with Conditions

**NATURE OF PROCEEDINGS**

(1) Applicant Hyattsville Brightseat Road RE, LLC is requesting approval of a Special Exception to construct a Gas Station and a Food or Beverage Store on two (2) acres of a parcel 5.303-acres in size on I-3 (Planned Industrial/ Employment Park) zoned land located in the northeast quadrant of Medical Center Drive (formerly Arena Drive and Brightseat Road). The entire parcel is currently improved with a hotel. Applicant also requests a variance to one provision of the Zoning Ordinance pertaining to the access to the Gas Station from Brightseat Road.

(2) The Technical Staff recommended approval of the request with conditions, and the Planning Board accepted Staff's recommendation as its own. (Exhibit 16)

(3) A second hearing was held because the variance request was not properly posted/advertised.

(4) No one appeared in opposition to the request at either hearing heard by this Examiner.

(5) A letter with supplemental information and revised Special Exception Site Plan were forwarded by Applicant's counsel on March 25, 2022 and the record was closed at that time. (Exhibits 48 ,49 (a) and (b), and 50)

## FINDINGS OF FACT

### Subject Property and Surrounding Uses

(1) The property is subject to prior zoning and subdivision approvals, discussed in the Technical Staff Report:

**History and Previous Approvals:** The property was the subject of Preliminary Plan of Subdivision 12-3266, approved by the Prince George's County Planning Board on December 17, 1969, for the construction of an elementary school, and Parcel A was subsequently recorded in Plat Book 76 page 16. It does not appear that the approved development was ever constructed. Subsequently, various conveyances of public road rights-of-way were made via deed from the original acreage of Parcel A, which were exempt from requirements of Subtitle 24, in accordance with Section 24-107(c)(4) of the Prince Georges County Subdivision Regulations. Parcel A was resubdivided in 2016 (Final Plat No.5-15059) to create Parcel 1, in accordance with the provisions of Section 24-111(c) of the Subdivision Regulations, as the subject property had a final plat of subdivision approved prior to October 27, 1970. At the time of resubdivision, the subject property was evaluated for adequate public facilities for commercial use under two development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with a fueling station. The resubdivision of the subject property was approved by the Planning Board on July 7, 2016 (PGCPB Resolution No.16-26) Detailed Site Plan DSP-05021 was approved by the Prince George's County District Council on June 13, 2016, for the construction of two 124-room hotels. To date, only one hotel has been constructed and the applicant's statement of justification (SOJ) indicates that the market is no longer conducive to construct the second hotel.

PGCPB Resolution No.16-26 contains three conditions of approval, and those relevant to the subject application are shown below in bold text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

**Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than the identical herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

At the time of the resubdivision of the subject property, adequate transportation facilities were evaluated for the subject property based on two separate development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with a fueling station. The trip cap established in



Condition 1 is not exceeded with the development scenario proposed in this application, as the proposal falls within the second scenario evaluated at the time of resubdivision. A traffic impact study was included in the applicant's submission. The traffic impact study is not a requirement of this application, as a test of transportation adequacy is not required. Its purpose was to address the impact of the proposed food and beverage store with a gas station with 16 fuel stations as well as an existing hotel. It identified a trip generation of 77 AM and 70 PM trips for the proposed food and beverage store with a gas station and 71 AM and 90 PM trips for the existing hotel. A previously approved Final Plat of Subdivision, 5-15059 has a trip cap on-site of 233 AM and 279 PM peak-hour trips. Both of these developments are within the identified trip cap....

**Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.**

**Access is denied along both I 495/Capital Beltway, a freeway [,] and Medical Center Drive, an arterial road. One existing point of site access is provided to the proposed site in the northeastern portion of their property along Brightseat Road, a collector. It also serves as a shared access with the existing hotel.**

SE-4845 reflects that direct vehicular access to Arena Drive is denied. However, since the area of the subject property adjacent to I-95/I-495(Capital Beltway) is not reflected on the submitted plans, the denial of direct vehicular access to the Capital Beltway is partially depicted. The entire boundary of Parcel 1 should be shown on the special exception site plan, and all property boundaries should be shown from which direct access to the Capital Beltway is denied.

**The 2008 Water and Sewer Plan designates this property in water and sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.**

General notes 15 and 16 on sheet 4 of SE-4845 indicate that the development is to be served by public water and sewer systems and that these systems are available to the development.

(Exhibit 16, pp.4-5; see, Exhibit 8)

(2) If the Application is approved the property will be resubdivided into two parcels, and Applicant's separate parcel will not include the current driveway access to the hotel from Brightseat Road. Applicant submitted an Approved Natural Resource Inventory Plan (NRI/090/15), a Stormwater Management Concept Approval (Case # 3656-2021-00), architectural elevations, a floor plan for the Food or Beverage Store, a Landscape Plan and a Lighting Plan with Details. (Exhibits 5, 7, 12, 19, 41, 42 and 49(b))

(3) The subject property is surrounded by the following:

North - Abutting the property to the north is an undeveloped wooded parcel

in the I-3 Zone; immediately beyond that is a vacant warehouse building in the I-1 Zone, part of the Landover Industrial Center which includes other occupied buildings

- South - Across Medical Center Drive (formerly Arena Drive) to the south is a stormwater management pond in the I-3 Zone, and the Future Care Capital Region rehabilitation center in the I-3 Zone
- East - The interchange of the Capital Beltway with Medical Center Drive (formerly Arena Drive), and hotels in the C-O (Commercial Office) Zone beyond
- West - Brightseat Road and wooded property containing a church in the I-3 Zone

(4) The neighborhood as defined by the Technical Staff is bounded on the north by Sheriff Road/Brightseat Road/Landover Road (MD 202); on the south by Central Avenue (MD 214); on the east by the Capital Beltway; and on the west by Hill Road.

### **General Plan/Master Plan/Sectional Map Amendment**

(5) Applicant's expert land planner and the Technical Staff both noted that the 2014 General Plan ("Plan 2035") places the subject property within the Established Communities, as discussed in the Growth Policy Map. It also located the site within one of the Employment Areas.

(6) The property lies within the planning area governed by the 2010 Subregion 4 Master Plan and Sectional Map Amendment ("SMA"). The Master Plan/SMA had no specific recommendations for this property but did note it is within the Landover Metro Center, and recommended industrial land uses, and retail/service uses in support thereof, by virtue of retaining its I-3 zoning. The Environmental Infrastructure Section contained goals and policies concerning protection of the green infrastructure network within the Subregion, the restoration/enhancement of water quality, on-site management of stormwater through the use of environmentally sensitive management techniques, preservation of tree canopy, and conformance with the Countywide Green Infrastructure Plan of the Prince George's County Resource Conservation Plan.

### **Applicant's request**

(7) Applicant is the contract purchaser of the subject property. (Exhibit 48) The

State Department of Assessments and Taxation has issued a Certificate in Good Standing authorizing it to conduct business within Maryland. (Exhibit 33) Applicant proposes to develop the site with a Gas Station with eight (8) multi product dispensers offering sixteen (16) fueling positions under a canopy and a 3,939-square-foot 7-Eleven Food or Beverage Store (referred to throughout the record as a “convenience store”).<sup>1</sup> It also requests a variance from one of the access requirements for Gas Stations, as discussed more fully below.

(8) Edward Steere, Managing Director for Valbridge Property. Advisors, prepared a Need Analysis in support of the instant Application, that addressed the need for both the Gas Station and the Food or Beverage Store. (Exhibit 21) He found there to be need for the use, if need is defined as “convenient, useful, suitable, proper, or conducive”, to residential households and employees of the trade area (citing Baltimore County Licensed Beverage Association Inc. v. Kwon, discussed below). (Exhibit 21, p.3) The trade area for the Gas Station is centered primarily on the Capital Beltway between Central Avenue and Landover Road. (Exhibit 21, p.17) After establishing the trade area, the Analysis proffered the following support in finding a need for the use:

The subject property has excellent frontage on the westbound side of Arena Drive as well as for those traveling southbound on Brightseat Road. The site is directly off of the Capital Beltway... and roughly a half mile from FedEx Field and Largo Town Center. Arena Drive runs approximately one mile east to west between MD-202 and the Capital Beltway, passing through a high density of transit-oriented development which surrounds the Metro Station. Brightseat Road stretches roughly four miles between MD-704 in Glenarden south to Central Avenue and carries a significant volume of local neighborhood traffic. Based on current site plans, the site will have two access points on the shared roadway with the hotel.

The Maryland Department of Transportation State Highway Administration published an estimated annual average daily traffic (AADT) count in 2019 on Brightseat Road as 11,082 on its section between MD 202 to MD 214. On Arena Drive between Brightseat Road and Maryland Route 202, the 2019 AADT was 13,401. More notably, the AADT on the Capital Beltway between Arena Drive and MD 202 was 240,121 and 236,783 between Arena Drive and MD 214....

The subject property and its immediate surrounding area is zoned I-3 (Planned Industrial/Employment Park). The general purpose of this zone as provided by the Prince George’s County Zoning Ordinance among other provisions is to provide increased and enhanced employment opportunities for residents of the County through a mixture of industrial, research, office, and in certain instances specific retail commercial uses. The area directly north of the subject carries a I-1 (Light industrial) zoning designation and is a continuation of the land use pattern in this strip of land which lines the Capital Beltway. Further west of the site surrounding FedEx Field, the dominant land use changes to R-M

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<sup>1</sup> There are various square footages for the Food or Beverage Store used in the record. I have settled on the amount shown in the revised Special Exception Site Plan. (Exhibit 49(b))

(Residential Medium), however most of this land area is presently used as parking for events. There are one-off zoning districts on this western side of the Beltway including R-18 (Multifamily Medium Density Residential) surrounding the Lansdowne Village apartments, R-55 (Single Family Detached) and C-O (Commercial Office) surrounding the Jericho Residences active adult apartment community.

Across the Capital Beltway to the East is primarily zoned as C-O (Commercial Office) and MXT (Mixed Use Transportation Oriented) to the south of Arena Drive. Using CoStar estimates, this area currently offers 1.5 million sq. ft. of office space, 832,000 sq. ft. of retail space, 750,000 sq. ft. of flex space and more than 1,400 multifamily units. There are multiple projects currently under construction including the Amore Apollo multifamily community and the UM Capital Region Medical Center which is slated to open in 2021. With this overview of the surrounding area, we believe the proposed fueling station and convenience store is a compatible use and will retain the character of the area....

During the Summer of 2019, the Prince George's County Council authorized MNCPPC to prepare a Countywide Map Amendment (CMA) to implement the zones adopted by the Council through CB-13-2019. The CMA is the second part of the zoning rewrite project, and the new zoning ordinance cannot be used until the new zones are applied to all properties throughout the County. Zoning changes are expected to most typically expand the flexibility of the types of uses permitted in each zone and will not affect the permitting or the development review process for most applications that are submitted prior to the effective date of the new ordinance.

The subject site will remain zoned for Industrial/Employment use under the IE zoning designation. The IE zone generally follows the same purpose as the previous zoning designation of I-3. Other nearby zones such as the MXT and C-O on the east side of the Beltway will be reclassified as two classes of the Regional Transit-Oriented Center – High Intensity (RTO-H) zoning districts, “edge” and “core”. “Edge” and “core” areas are distinguished by the walking distance from an existing or proposed transit station with the “edge” area accommodating less intense development with more of a residential focus. The purpose of the RTO-Zone is to provide land for high-intensity, mixed-used center that are intended to capture the majority of the County's future residential, and employment growth and development.

The area surrounding FedEx Field will follow the Legacy Comprehensive Design (LCD) once the ordinance goes into effect. This zone covers most of the land in the County for which a valid Basic Plan, Comprehensive Design Plan or Specific Design Plan was approved prior to the effective date of the new zoning ordinance. Development within the LCD Zone shall comply with the relevant plan and with the standards applicable in the zone prior to the effective date of the new zoning ordinance (in this case medium density residential)....

The subject site is located just outside the boundaries of the Morgan Boulevard and Vicinity study area which extends north from Central Avenue to the former Landover Mall site. This study evaluated the development potential of multiple uses at key sites within the study area, including the UM Capital Region Medical Center and the Woodmore Town Center. Although none of the uses analyzed in the market study are guaranteed in the near term, the action plan is a useful tool for accelerating the intent of the Subregion 4

Master Plan and provides some perspective on the character of the area going forward. The market study suggests that the study area is well positioned to become a regional destination for amateur indoor athletics as well as an area for active adult, senior living and wellness-based communities, both of which fit within the approved zoning for the area. Each of these uses would benefit from the colocation of a convenience store and gas station nearby....

The subject is well situated just off the Capital Beltway and roughly a half mile from FedEx Field and ongoing mixed-use development surrounding the Largo Town Center Metro Station and the new UM Capital Region Medical Center. The subject is located on a highly visible corner lot and shares a driveway with the WoodSpring Suites hotel. Brightseat Road and Arena Drive serve a healthy volume of daily traffic which includes commuters, regional travelers, and a significant number of commercial trips to retail destinations at Largo Town Center and Kingdom Square. and Woodmore Town Center.

The site is in zone IE (Industrial/Employment) and is surrounded by light industrial uses to the north and south, mixed-use/commercial office uses to the east and medium density residential development to the south. The proposed 7-Eleven food and beverage store and gasoline station will offer services that are supportive of the existing developed area as well as future nearby endeavors such as regional indoor athletics complex or active adult community as set forth in the Morgan Boulevard Action Plan published in 2018. The site also aligns with the general purpose of the Planned Industrial/Employment Park zone as a service use that is compatible and retains the character of the surrounding area. The accessibility and proximity of the site to the highway system provides an ideal location for a convenience store and gas station and the addition of this use will aid in the area in transitioning toward a wider mix of flex, commercial, residential and other uses....

(Exhibit 21, p.6,14,15,16)

(9) Mr. Steere provided an additional Need Analysis that gave further justification for his finding of need:

Valbridge believes that the proposed convenience store with gas will be convenient and therefore necessary to the residential households and employees of the trade area. We do not believe that the proposed gas station and... (convenience) store will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the significant volume of daily pass-through travelers who need expedient fuel and convenience store services. Recent industry surveys reveal that while the price per gallon is still one of consumers top considerations when choosing a gas station, an increasing proportion of consumers are more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value.... As the nation's largest convenience store and gas station franchise with a vast network of market intelligence and proprietary products, 7-Eleven is well equipped to capitalize on this emerging trend. Valbridge conservatively estimates that there is currently annual demand for 16.2 million gallons of fuel based on household and employee presence alone....

(Exhibit 44, p.3)

(10) Mr. William Owen, the assistant vice president of Penntex Venture LLC, testified on the Applicant's behalf. Penntex Ventures was hired by 7-Eleven to "assist in guiding... this [application] through the various process of entitlement, lease negotiations, lease executions and ultimately prosecution of that lease as to... requirements for a build to [project] and deliverables and contract management with contractors when the time comes, management of consultants during the entitlement process, et cetera.". (January 26, 2022, T.24) Mr. Owen testified that there is an executed lease between Applicant and 7-Eleven, and that 7-Eleven believes the site as designed will function adequately for all of its needs. (January 26, 2022, T. 26-27) He also discussed the various steps in design that were taken to ensure that the 7-Eleven complements the adjacent existing use, the expanded food items that will be offered on site (including fresh-made sandwiches and fired items), and the limited seating available to customers. (January 26, 2022, T. 27-34)

(11) Wes Guckert, accepted as an expert in the field of transportation planning and engineering, prepared a Traffic Impact Analysis (Exhibit 13) and testified on Applicant's behalf. He noted that the primary access to the site will be coming from Medical Center Drive (formerly Arena Drive), and the Capital Beltway to Brightseat Road where it will enter the site via the existing entrance for the adjacent hotel and then enter into the Applicant's site. (January 26, 2022, T.62) Although the Zoning Ordinance does not require review of a traffic impact study, one was prepared to show that the "trip cap established in a previous Preliminary Plan of Subdivision will not be exceeded for the overall property that includes a 7-Eleven and the hotel site and together those two uses do not exceed the trip cap from the Preliminary Plan of Subdivision." (January 26, 2022, T.63) Mr. Guckert's Traffic Impact Analysis supports his conclusion that the established trip cap will not be exceeded:

The purpose of this Traffic Impact Analysis is to address the impact of the proposed 7-Eleven Super Convenience Market with fuel pumps planned in the northeast quadrant of the Brightseat Road and Arena Drive intersection in Prince George's County. The Super Convenience Market is proposed to consist of 4,050 sq ft of space with 16 fueling positions. Overall, the site will generate 77 new morning peak hour trips and 70 evening peak hour trips. Part of the subdivision includes an existing Woodsprings Suites Hotel. We conducted trip generation studies for a week in October 2019 and found the average number of trips over a 5-day period for the hotel was 22 morning peak hour trips and 21 evening peak hour trips....

The scope of services undertaken as a part of this study was as follows:

- The traffic counts for the Woodsprings Suites Hotel
- Trip generation for the proposed 7-Eleven Store
- An analysis of the site access along Brightseat Road

In summary, the proposed convenience store, when combined with the existing traffic from the Woodsprings Suites Hotel (pre-pandemic) generates less than the 233 morning peak hour trips that were approved and 279 evening peak hour trips that were approved under Subdivision 5-15059. Furthermore, the site access is projected to operate at

acceptable levels of service during the peak periods.

(Exhibit 13, p.1)

(12) Mr. Nicholas Speach, accepted as an expert in the area of civil engineering, testified on Applicant's behalf and prepared the Special Exception Site Plan. He explained the Plan's compliance with applicable zoning provisions as follows:

[The site has access] on both Brightseat and Area Drive. And Brightseat Road does have a right-of-way width of 80 feet which is greater than the 70 feet required.... Actually the topography of Brightseat Road and the site itself [impact the ability to access the roadways.] Brightseat sits much lower than the site and... there's actually a retaining wall and some steep grades between the site and Brightseat. So there couldn't be an access point directly off of Brightseat outside of the access drive that is already there [for] the hotel... [The prior] subdivision plat has a [condition that denies access to Arena Drive]....

(January 26, 2022, T.70-71)

(13) Mr. Speach also noted the following:

- there isn't a school, outdoor playground, library or hospital within 300 feet of the subject property;
- the Site Plan includes a note that there will be no display/rental of cargo trailers, trucks, or similar uses, nor storage or junking of wrecked motor vehicles;
- the access to the driveway which serves the current larger unsubdivided site is 35 feet in width and 12 feet from the point of curvature of the adjoining property which will become the residue of the hotel site (as shown on the revised Site Plan);
- the access driveways are defined by curbing; there are sidewalks at least 5 to 6 ½ feet in width between the building line and the curb in those areas serving pedestrian traffic;
- the gasoline pumps and the service appliances are over 60 feet behind the street line;
- there will be no repair services offered on site;
- architectural elevations were filed along with the Site Plan;
- the topography of the site and abutting lots to a depth of at least 50 feet, is shown on the Site Plan;
- a trash enclosure and the air and vacuum machines are shown on the Site Plan;  
and
- there will be no exterior vending machines on the site.

(January 26, 2022, T.71-78,88)

(14) Finally, Mr. Speach explained that Applicant disagreed with Staff's recommended condition limiting the height of its freestanding sign because Section 27-614(b) of the Zoning Ordinance (2019 Edition) notes that the sign cannot be greater than the height

of the lowest portion of the roof of any building in the employment park. The adjoining hotel has a sign that is 35 feet, 10 inches tall. Mr. Speech did not have the exact dimensions of the hotel but noted that “there is nothing lower [than] 35 feet ...[a]nd that 35 feet 10 was what was specified in the previous Detailed Site Plan Staff Report ...[s]o that is where our assumption of the 35-foot 10-inch lowest building height came from.” (January 26, 2022, T. 81-81) Applicant proposes a maximum height of 25 feet for its sign. (January 26, 2022, T. 82)

(15) Mr. Mark Ferguson, testified on Applicant’s behalf, and was accepted as an expert in the area of land use planning. He explained that the uses proposed are a Gas station with an accessory Food or Beverage Store, with twelve (12) seats and thirty-one (31) parking spaces. Staff did not share Mr. Ferguson’s position that the store is an accessory use, permitted by right in the zone if within an industrial park. While I am willing to agree that the use lies within an industrial park (since it is an undefined term and the property is located in the I-3 Zone) I am unable to find that the proposed Food or Beverage store is accessory since the witness did not provide further support for this position (i.e., that it is subordinate in purpose, area, intensity, etc.). Accordingly, I find that it must be approved as a special exception use and not permitted by right.

(16) Mr. Ferguson submitted a Land Planning Analysis in support of the request. (Exhibit 43) In his Analysis Mr. Ferguson reviewed the Application’s compliance with applicable provisions of the Zoning Ordinance and conformance with the 2010 Subregion 4 Master Plan and Sectional Map Amendment, and the 2014 General Plan (“Plan 2035”). The witness found compliance with the Master Plan which designated the site for industrial future land use and the SMA which retained the site in the I-3 Zone. He explained that Plan 2035 “placed the property in the Established Communities growth policy area, and further within a designated Employment Area “ and “[t]he Generalized Future Land use map designated it for Employment/ Industrial land use.” (Exhibit 43, p.3) Mr. Ferguson also addressed the Application’s compliance with the purposes of the Zoning Ordinance (Exhibit 43, pp. 5-11)

(17) Mr. Ferguson opined that the request satisfies the criteria for approval in Sections 27-317(a) and 27-358 of the Zoning Ordinance (2019 Edition). As noted, *supra*, he believes the Food or Beverage Store is permitted by right in the I-3 Zone, in accordance with footnote 42. However, acting under an abundance of caution, he addressed conformance with Section 27-355 of the Zoning Ordinance (2019 Edition) as well. (Exhibit 43, pp. 5-16) The following is a synopsis of the reasoning provided for his opinion:

- The request is in harmony with the purposes of the Zoning Ordinance since the modern Gas Station and Food or Beverage Store will provide up to date stormwater management, satisfy the current Landscape Manual and Tree Canopy Coverage regulations, will not result in a proliferation of Gas Stations



- but will offer safe and convenient access to needed uses (such as fresh and packaged foods, and gas) in the area;
- The uses will implement the 2014 General Plan as both are context sensitive infill development and supporting uses for the industrial/employment uses in the surrounding area;
  - The uses will implement the 2010 Subregion 4 Master Plan since the Plan does not pay a great deal of attention to the area surrounding the subject property but does recommend it for industrial uses- and this, coupled with the I-3 Zone's purposes of accommodating specific retail/commercial uses to enhance viability of the zone, supports a finding of harmony with the Master Plan;
  - There is harmony with other applicable Functional Master Plans since the area is not mapped as containing any Regulated Areas of the County's Green Infrastructure Network, no historic sites or resources are proximate to the site (so the Historic Site and Districts Plan is not affected), and the Countywide Master Plan of Transportation's proposal of future bike lanes can be accommodated within the existing right-of-way for Medical Center Drive/ Bishop Peebles Drive;
  - Vehicular traffic will be well within the limits of an existing subdivision trip cap and no residential development is proposed so it will be developed with adequate public facilities;
  - The uses will address the needs of County workers by providing access to gasoline and convenience store products at one safe, easily accessible location;
  - All regulations pertaining to adequate light, air, and privacy will be met;
  - The uses will be developed to meet all siting setbacks and to provide roadside and parking lot landscaping and the screening of trash enclosures, vacuum and air pumps;
  - The uses will require the hiring of employees and will serve the needs of customers;
  - No new entrances will be created from Brightseat Road;
  - There will be no undue noise generated by the uses, modern stormwater management measures will be utilized, and the request will satisfy the Woodland and Wildlife Habitat Conservation Ordinance.

(18) The purposes of the I-3 Zone are met for similar reasons, and because the uses will be commercial/retail uses developed at the periphery of the industrial area and fronting on an arterial roadway, thereby enhancing the viability of the zone.

(19) Mr. Ferguson's expert opinion is that, once a variance is approved, the Application satisfies all specific special exception requirements for the Gas Station, and

provided the following support for said opinion:

- The subject property has approximately 280 feet of frontage on Brightseat Road, an arterial with a right-of-way width of 80 feet. Applicant seeks a variance from the requirement that it have direct vehicular access to the street.
- The nearest lot containing a school outdoor playground, hospital or library, Jericho Christian Academy, is approximately 1,130 feet away.
- There shall be no display or rental of vehicles, storage or junking of vehicles, or repair service on site.
- The existing access driveway from Brightseat Road is 30 feet wide, several hundred feet from the point of curvature of the intersection curb return and is 50 feet from the side lot line of the adjoining lot. In an abundance of caution Applicant has revised the Special Exception Site Plan to ensure that the 25-foot-wide "egress" driveway from the private road for the hotel into the Gas Station itself is 12 feet from the side lot line of the adjoining hotel site.
- All access driveways are defined by curbing. (Exhibit 49(b))
- A 5-foot-wide sidewalk is proposed along the site's frontage along Brightseat Road; none is proposed along Medical Center Drive, but it does not serve pedestrian traffic. The Master Plan of Transportation notes that a hard trail exists on the south side of Medical Center Drive to accommodate cyclists or pedestrians.
- The Site Plan indicates that the concrete pad under the gas pumps will be at least 60.9 feet behind the nearest street line.
- Applicant has submitted architectural elevations that demonstrate compatibility with the adjoining hotel. (Exhibit 41)
- The Site Plan includes the requisite topography of the site and abutting lots.
- The location and details for the trash enclosures are provided on the Site Plan.
- No exterior vending machine/ vending areas are proposed.
- Applicant has agreed to comply with procedures to be followed upon the abandonment of the Gas Station.
- Reasonable need for the use has been addressed by Mr. Steere.

(20) Finally, Mr. Ferguson proffered the following in support of Applicant's variance request:

[A] variance is being sought from the requirement of [Section] 27-358 (a)(1) that the subject property shall have direct vehicular access to a street with a right-of-way width of at least (70) feet.

At the moment, the Special Exception area is located within a parcel of land which has both sufficient frontage on, and direct vehicular access to, a street with a right-of-way width of at least seventy feet (Brightseat Road). It is, however, the intention of the

Applicant to subdivide off the Special Exception Site area into a separate subdivided lot, and the Special Exception Site Plan illustrates that the existing access point is not within the limits of the Special Exception Area.... As the owner of the property has indicated its desire not to have their remainder encumbered by the Special Exception area, and because topographic and safety considerations restrict the creation of a separate entrance for the subject property (i.e. the Special Exception Area), grant of variance will be necessary since the configuration of the future subdivided lot will conflict with the strict application of [Section] 27-358(a)(1), and in any case since the point of vehicular access to the street with the seventy-foot-right-of-way is outside of the limits of the Special Exception.

It is also noted that at the time of subdivision, approval by the Planning Board to access the proposed lot defined by the Special Exception area by a private road pursuant to [Section] 24-128(b)(9) will be necessary as well....

The subject property is compromised by exceptional topographic conditions which separate the usable area of the property from Brightseat Road. The existing driveway which is proposed to be shared (but is outside of the Special Exception Area) is at the point of least vertical difference between the development area and Brightseat Road. The extraordinary condition of denial of access along Medical Center Drive because of its proximity to the Beltway interchange is another compromising factor which limits access to the private driveway....

The strict application of this subtitle would result in exceptional or undue hardship upon the owner of the property as compliance would make it impossible for the use to be approved....

Because the development proposed is in accordance with the recommendations of the General Plan and the [Master] Plan as described above, the approval of the requested variance will not impair their purpose, intent or integrity.

As such, the requested variance would be in conformance with the criteria of [Section] 27-230(a).

(Exhibit 43, pp. 16-17)

### **Agency Comment**

(21) The Department of Permitting, Inspections and Enforcement noted that the 2018 Water and Sewer Plan designated the subject property in Water and Sewer Category 3, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act. (Exhibit 16, Backup p. 68) The Fire Department opined that fire access to the site appears adequate but recommended a condition that a fire hydrant “be provided within 500 feet of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners, etc.)” (Exhibit 16, Backup p. 69)

(22) The Technical Staff recommended approval of the Gas Station and Food or Beverage Store as well as the variance.

(23) Once the variance is addressed, Staff proffered that the Gas Station satisfied the following provisions of the Zoning Ordinance:

- The purposes of the Zoning Ordinance found in Sections 27-102(a)(1)-(15) and the purposes of the I-3 Zone found in Section 27-471(a) “are in harmony” with the proposed use and Special Exception Site Plan, noting that the uses will help support industrial and commercial uses in the zone. (Exhibit 16, pp.6-7)
- The uses will not substantially impair the Master Plan since it recommends industrial land uses on the property and Plan 2035 recommends that development in the Established Communities be context- sensitive infill and low- to medium-density. (Exhibit 16, p.9)
- The use is laid out in a manner that provides acceptable internal circulation of vehicles and will serve the needs of the community by providing “convenient food, beverage and gas for the area.” (Exhibit 16, p.9)

(24) The Urban Design Section noted that the use and improvements on site also require conceptual and detailed site plan approved since the property is in the I-3 Zone. It also believed that conformance with the applicable landscaping and tree canopy coverage requirements, would be ascertained at the time of detailed site plan review. 2

(25) The Transportation Planning Section duly noted there are no transportation related findings for the request other than a review of the impact it will have on the health, safety and welfare of residents or workers in the area. Nonetheless, it reviewed the transportation policies within the Master Plan and the Countywide Master Plan of Transportation and found their respective recommendations that Brightseat Road be four lanes with a roadway width of 80 feet and that Medical Center Drive (formerly Arena Drive) should have approximately four to six lanes with a roadway width between 120-150 feet have been completed and no future dedication will be required for the subject property. It also noted that it reviewed the traffic impact study that Applicant was not required to supply and agreed that the trip generation rates identified for the two proposed uses are within the trip cap

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2 These matters may have to be revisited at that time but, pursuant to Section 27-296 of the Zoning Ordinance (2019 Edition), a Landscape Plan must be reviewed (and therefore approved) by the Zoning Hearing Examiner when she considers an application for a special exception.

established in the previously approved final Plat of Resubdivision 5-15059. (Exhibit 16, Backup pp. 54-55)

(26) After reviewing the Variance request, Staff recommended approval and offered the following reasoning in support of its recommendation:

The applicant submitted ... a variance request to allow access to a private driveway. The proposed use will access to Brightseat Road via shared use of the driveway that serves the existing hotel. Therefore, the site does not provide direct access to Brightseat Road and requires a variance for access via a private driveway....

The subject site has frontage on three sides, two of which are arterial or higher classification, and access has been denied to those roadways through previous approvals of DSP-15021 and Final Plat of Resubdivision 5-15059, pursuant to Section 24-111(c)(4) of the Subdivision Regulations. Therefore, access for Parcel 1 has been restricted to Brightseat Road for the existing hotel access driveway. Furthermore, the topography of Brightseat Road and the limited distance to the intersection of Arena Drive from the existing driveway was found to be the only appropriate access for Parcel 1. The variance, if granted, would allow the food [or] beverage store/gas station use to access the private driveway serving the hotel....

According to the applicant's SOJ, an area variance is being pursued to access the existing driveway serving the hotel on Parcel 1. The SOJ states that 'when requesting an area variance ..., an applicant is only required to show the existence of practical difficulty.' The most appropriate access was previously determined during the DSP phase and was restricted to Brightseat Road. Due to the proximity to the intersection of Arena Drive and the topography of Brightseat Road, safe access is not possible and presents a practical difficulty to further development of the stie....

The subject site is within the boundaries of the Subregion 4 Master Plan and the proposed use conforms to the recommendations of the master plan. Therefore, the variance request will not impair the intent, purpose, or integrity of the master plan.

Staff recommends approval of the requested variance to allow vehicular access via a private driveway serving the existing hotel use, with approval from the Prince George's County Department of Permitting, Inspections and Enforcement....

(Exhibit 16, pp. 16-17)

(27) The Technical Staff offered the following reasoning to ultimately support its recommendation of approval of the Special Exception Application, with conditions:

A special exception use is considered compatible with uses permitted by-right within the Planned Industrial/Employment Park (I-3) Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this

particular location, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the I-3 Zone.

Based on the applicant's revised statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the Prince George's County Zoning Ordinance. These findings include those in Section 27-317 (in general), Section 27-355 for a food or beverage store, and Section 27-358 for a gas station. It should be noted that the findings for Section 27-471 for I-3 Zone purposes and regulations will be addressed at the time of future conceptual site plan and detailed site plan applications. Therefore, staff recommends approval of Special Exception SE-4845, Hyattsville Brightseat 7-Eleven, subject to ... conditions....

(Exhibit 16, p. 18)

### **LAW APPLICABLE**

(1) The Special Exception uses may be approved if they satisfy Sections 27-317, 27-355 and 27-358 of the Prince George's County Zoning Ordinance (2019 Edition). These Sections provide as follows:

#### **Sec. 27-317. Required findings.**

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;
- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).
- (b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:
  - (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
  - (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

**Sec. 27-355. Food or beverage store.**

- (a) A food or beverage store may be permitted, subject to the following:
  - (1) The applicant shall show a reasonable need for the use in the neighborhood;
  - (2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;
  - (3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;
  - (4) In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;
  - (5) The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which it is located.

**Sec. 27-358. Gas station.**

- (a) A gas station may be permitted, subject to the following:
  - (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;
  - (2) The nearest gas pump on the subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, hospital, or a structure used as a residence is located;
  - (3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;

- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
  - (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;
  - (6) Access driveways shall be defined by curbing;
  - (7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;
  - (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;
  - (9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.
  - (10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.
  - (11) At least two (2) Level 3 or DC fast charger electric vehicle charging stations must be provided on-site for public use.
  - (12) Any Special Exception or Detailed Site Plan application filed prior to January 1, 2022, and approved shall not be subject to this provision and shall be deemed a conforming use.
- (b) In addition to what is required by Section 27-296(c), the site plan shall show the following:
- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);
  - (2) The location and type of trash enclosures; and
  - (3) The location of exterior vending machines or vending area.



- (c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.
  - (d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:
    - (1) Is necessary to the public in the surrounding area; and
    - (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.
- (2) The request must also satisfy the purposes of the I-3 Zone found in Section 27-471 of the Zoning Ordinance (2019 Edition):

**Sec. 27-471. I-3 Zone (Planned Industrial/Employment Park).**

**(a) Purposes.**

- (1) The purposes of the I-3 Zone are:
    - (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;
    - (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;
    - (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially; and
    - (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.
- (3) Section 20-504 of the Maryland Land Use Article Code Annotated addresses the need for access to a road as a prerequisite to the issuance of any building permit:

**(a) In general.** A permit to construct a building or structure in a subdivision may not be issued unless the road giving access to the lot where the building or structure is proposed to be located:

- (1) has the legal status of a public road or was dedicated to public use;
- (2) corresponds in its exact location with a road shown on a subdivision plat approved by the Commission or with a master plan of transportation or plat adopted by the Commission; or
- (3) is on a private right-of-way or easement approved as adequate by the county council in accordance with subsection (b) of this section.

(b) *Standards; delegation* -By local law, the county council may:

- (1) adopt standards to assure that a private right-of-way or easement is adequate to provide access to a lot where a building is proposed to be located; and
- (2) delegate to the executive branch or county planning board the authority to approve a private right of-way or easement that is adequate under item (1) of this subsection.

### **Necessity/Need**

(4) The Zoning Ordinance and the County Code do not define the terms “necessary” or need. However, undefined words or phrases shall be construed according to common usage, while those that have acquired a particular meaning in the law shall be construed in accordance with that meaning. (Prince George’s County Code, Section 27-108.01(a)) Webster’s New World Dictionary (2<sup>nd</sup> College Edition) defines it as “essential” and “indispensable”. The Oxford Languages Dictionary (online) defines “need” as “circumstances in which something is necessary” or “a thing that is wanted or required.” Thus “need” and “necessary” share similar definitions.

(5) In Brandywine Enterprises, Inc. v. County Council, 117 Md. App. 525,540 (1997), the Court of Special Appeals addressed the definition of “necessary” in the County’s Zoning Ordinance as it relates to rubble fills and noted that “‘necessary’... means necessary rather than reasonably convenient or useful.” The Court went on to note that the best method for determining need for a rubble fill would be to assess whether there would be an actual deficit of capacity. In a case involving liquor licenses, Baltimore County Licensed Beverage Association, Inc. v. Kwon, 135 Md. App. 178, 194 (2000), the Court of Special Appeals held that the meaning is dependent upon the context in which “necessary” is used. The Court then found that “‘necessary,’ in this instance, means that the transfer of the liquor license to the transfer site will be ‘convenient, useful, appropriate,

suitable, proper, or conducive' to the public in that area." Accordingly, I believe the proper standard to apply in the review of both special exception requests is whether the Gas Station/Food or Beverage Store will be "convenient, useful, appropriate, etc." given the nature of the use, and the District Council has adopted this definition of need/necessity in prior Gas Station Special Exception and Food or Beverage Store Special Exception heard by it.

## Variance

(6) Applicant's request for a variance must satisfy the criteria set forth in Section 27-230 (a) of the Zoning Ordinance (2019 Edition). This Section provides as follows:

- (a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:
  - (1) A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);
  - (2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;
  - (3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;
  - (4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any area master plan, sector plan, or transit district development plan affecting the subject property; and
  - (5) Such variance will not substantially impair the use and enjoyment of adjacent properties.
  - (6) Notwithstanding any other provision of this Section, a variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

(7) "Practical difficulties" has been defined in Carney v. Baltimore, 201 Md.130,137 (1952), as follows:

The expression "practical difficulties or unnecessary hardship" means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant. Exceptions on the ground of practical difficulties or

unnecessary hardships should not be made except where the burden of the general rule upon the individual property would not, because of its unique circumstances, serve the essential legislative policy, and so would constitute an entirely unnecessary and unwanted invasion of the basic right of private property.

(8) An area variance (such as the one requested herein) need only satisfy the “practical difficulties” standard. (See, Richard Roeser Professional Builders, Inc. v. Anne Arundel County, 368 Md. 294, 793 A.2d 545 (2001)) Finally, the hardship may not be self-created. As noted by the Court of Appeals in Chesapeake Bay Foundation, Inc. v. DCW Dutchship Island, LLC., 439 Md. 588, 623-624, 97 A.3d 135 (2014):

[T]he critical issue in determining whether a hardship is self-created is whether the property owner could have avoided the need for a variance. In other words, if a property owner has a hand in creating the ‘peculiar circumstances’ that cause his need for a variance, the owner’s hardship is self-created. But when the ‘peculiar circumstances’ arise from the zoning restrictions themselves, the owner’s hardship is not self-created....

### **Special Exception**

(9) The Court of Appeals provided the standard to be applied in the review of a Special Exception application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material . . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

## CONCLUSIONS OF LAW

(1) The general purposes of the Zoning Ordinance are found in Section 27-102 (of the 2019 Edition). I agree with the expert land planner's analysis as to why/how the request meets all applicable purposes but would note that the instant Application satisfies the following purposes for the following reasons in particular:

***To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County***

The Gas Station will serve the needs of all County residents that rely on the automobile as a means of transportation. The Food or Beverage Store will further the comfort and convenience of all purchasing gas at the site as it will provide a "one-stop" shopping experience. It will also be convenient for pedestrians in the area since it will provide an opportunity to purchase items of food or drink on their way to work, school, home or exercise.

***To implement the General Plan, Area Master Plans, and Functional Master Plans***

The 2014 General Plan placed the property within the Established Communities. This proposal furthers the General Plan's vision of context sensitive infill development, and the requested uses are permitted in said Zone. While the Sector Plan has no particular recommendation for the subject property, the SMA retained its I-3 zoning thereby recognizing the need for limited retail/ commercial uses such as those proposed in the instant request. The record indicates no impact upon any Functional Master Plan. Accordingly, this purpose is satisfied.

***To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities***

Development of the subject property in the manner proposed by the Applicant will have no negative impact on the public facilities within the area since all vehicular trips are within the trip caps previously imposed on development on the property, no residential development is proposed, and no impact on other public facilities has been identified.

***To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development***

The two uses will be developed in accordance with all applicable laws, once the variance for the Gas Station is addressed. The developer will be providing stormwater management, new sidewalks, and will not increase the current number of driveway accesses from Brightseat Road, thereby reducing the possibility of car accidents on that highly traveled arterial. The uses also blend in with the adjacent hotel in an attractive manner that should not detract from it or the other properties in the area. This purpose is, therefore, met.

***To encourage economic development activities that provide desirable employment and a broad, protected tax base***

Both uses ensure that a certain number of jobs will be provided and that sales taxes will be collected, thereby contributing to the County's tax base.

Accordingly, the provisions of Section 27-317(a)(1) are met.

(2) The Application satisfies the purposes of the I-3 Zone since there will be an increase in employment opportunities for the residents of the County, and these retail commercial uses will retain the dominant industrial/employment character of the area and are located along the periphery of the employment park and front on arterial roadways. Finally the uses are designed in a manner that minimize detrimental effects on the adjacent hotel (since the elevations show it will be designed in a complementary manner) and will preserve trees and open area. (Sections 27-317(a) (1) and 471)

(3) The Food or Beverage Store and (once the variance is granted) the Gas Station use can be found to be in conformance with the applicable provisions of the Zoning Ordinance. (Section 27-317 (a)(2))

(4) Again, both uses conform to the General Plan's vision of context sensitive infill development, the Master Plan's environmental policies, and the SMA's determination that I-3 zoning and uses are should be preserved on the site. (Section 27-317(a)(3))

(5) The uses will be offer needed services to residents, visitors and employees within the Landover Metro Center - useful and convenient to those who live/work near or travel in the area. Accordingly, it will not adversely affect the health, safety, or welfare of residents/workers in the area, nor be detrimental to the use or development of adjacent properties or the general neighborhood. (Sections 27-317(a)(4) and 27-317(a)(5))

(6) The proposed site (Parcel 1) was developed in accordance with Tree Conservation Plan TCP-026-2015 which was approved with DSP-15021 and the instant special exception will not impact or alter that approval. Moreover, Staff has indicated there are no regulated environmental features on the special exception portion of the site. (Section 27-317(a)(6) and (7))

(7) The subject property does not lie within a Chesapeake Bay Critical Area Overlay Zone. (Section 27-317 (b))

(8) The Food or Beverage Store satisfies the criteria found in Section 27-355 of the Zoning Ordinance. Applicant's expert prepared a market study that established a reasonable trade area near the site and noted that given the dearth of fresh food options at the other Food or Beverage Stores within said area, their age, and their smaller size, there is a reasonable need for the proposed store if need is defined as "useful, appropriate, and convenient." (Section 27-355 (a)(1)) The subject property is adjacent to Medical Center Drive (formerly Arena Drive) and Brightseat Road, providing safe access to the Store, the Store is of sufficient size to offer a bevy of fresh and packaged foods and there is adequate parking – thus the Store can be found to meet the needs of the neighborhood. (Section 27-355 (a)(2)) The Store is the type of retail use that could support the industrial uses in the area and is in a parcel that has already been developed with a hotel, so approval should not unduly restrict the availability of land or upset the balance of land use in the area for other allowed uses. (Section 27-355 (a)(3)). The property is not located in the I-1 or I-2 Zones. (Section 27-355 (a)(4)) There will be no sale of alcoholic beverages in the Store, and a note will be added to that effect. (Section 27-355 (a)(5))

(9) Similarly, once the variance is addressed the Gas Station can be found to satisfy the express provisions regarding its approval. The property has approximately 295 feet of frontage along Brightseat Road, an 80-foot-wide collector roadway. The Special Exception boundaries do not include an access to Brightseat Road but an easement to be executed in the near future, and future applications will ensure that it has access to the existing

30-foot-wide driveway that accesses Brightseat Road. (Section 27-358(a)(1).

(10) There are no schools, libraries, playgrounds or hospitals on a lot within 300 feet of the subject property. (Section 27-358(a)(2))

(11) The Site Plan notes that there will not be any display or rental of cargo trailers, trucks or similar uses; and the storage/junking of wrecked motor vehicles is prohibited. (Sections 27-358(a)(3) and (4))

(12) The currently private driveway is 30 feet in width. There are two access driveways into the special exception point of the site and the one closest to the hotel's side or real lot line was adjusted to ensure that it does not begin at a point less than twelve (12) feet from the hotel's property; as this is a corner lot, the driveway is in excess of the requirement that it begin at a point not less than 20 feet from the point of curvature – it is 48.9 feet from the point of curvature. (Section 27-358(a)(5))

(13) The existing access driveway is defined by curbing. (Section 27-358(a)(6))

(14) The sidewalk along Brightseat Road is 5 feet in width. No sidewalk exists along Medical Center Drive (formerly Arena Drive) since the property is denied access therefrom and this street does not serve pedestrian traffic (Section 27-358(a)(7))

(15) The concrete upon which the gasoline pumps sit is at least 60.9 feet from the street line of Brightseat Road and 126.7 feet from the street line of Medical Center Drive (formerly Arena Drive). (Section 27-358(a)(8))

(16) There will be no repair services offered on site. (Section 27-358(a)(9))

(17) Applicant submitted architectural elevations which depict each façade and exterior finishes and the proposed building and canopy on site will not detract from the existing hotel or other surrounding development. (Section 27-358 (a)(10))

(18) Applicant filed its request prior to January 21, 2022. It, therefore, need not provide and electric vehicle charging stations on site. ((Section 27-358(a)(11) and (12))



(19) The Special Exception Site Plan shows the topography of the subject property and abutting lots for a depth of at least 50 feet, as well as the location and type of trash enclosure, and the location of air pump stations and vacuums. There will be no exterior vending machines. (Section 27-358(b))

(20) A note should be added to the Special Exception Site Plan to state what must be done upon the abandonment of the Gas Station. (Section 27-358(c))

(21) Applicant provided sufficient evidence to show that the gas station is necessary to the public in the surrounding area, in that it is reasonably convenient and useful to the traveling public within the trade area established by the expert marketing witness. It will not upset the balance of land use in the area for other trades and commercial uses, since it is part of a larger parcel already developed with a hotel, the 2 acres is a mere fraction of the total land area in the I-3 Zone, and most of the surrounding properties are developed. (Section 27-358(d))

(22) Approval of the Gas Station does require the grant of a variance from Section 27-358 (a)(1) which requires the subject property to have direct vehicular access to a street with a right-of-way width of at least seventy (70) feet. Applicant is requesting a variance to allow its access to a private driveway and not the rights-of-way on which the property fronts. I find that the variance can be granted, conditionally, since: the subject property's topography prevents it from adding a new driveway on its property that has direct access to Brightseat Road, any new driveway would also be prohibited due to its proximity to the intersection, and the State prohibits any such access to Medical Center Drive (formerly Arena Drive); imposition of the requirement that there be access on the subject property would impact disproportionately on Applicant since it cannot possibly provide such access given the adjacent owner's refusal to allow the existing access to be included within the boundaries of the special exception; the variance requested is the absolute minimum reasonably necessary to overcome the unique situation noted above; the variance would not impact the General Plan or Master Plan since the use is one allowed within the Zone, one supported within an Established Community, and one that supports the surrounding industrial uses that exist or may be developed; for similar reasons, the variance would not substantially impair the use and enjoyment of adjacent properties (and the adjoining property initiated the need for the request); and there is nothing in the record that suggests the need for the variance has resulted from Applicant's own actions. (Section 27-230 (a)(1)-(6))

(23) Finally, the Technical Staff Report recommended certain conditions be imposed if the request is approved. Applicant only objects to the restriction proposed upon the height of the sign in Staff recommended condition 1.e.. Section 27-614 of the Zoning Ordinance (2019 Edition) limits the height of the freestanding sign to one “not greater than the lowest point of the roof of any building in the employment park.” Mr. Speach provided credible evidence to find that the hotel’s lowest point is approximately 35 feet 10 inches and the hotel’s sign is that tall. Applicant is seeking to install a 25-foot- tall freestanding sign and the recommended condition will be revised accordingly.

### **DISPOSITION**

Special Exception 4845 and Variance 4845 are Approved, subject to the following conditions:

1. Prior to signature approval of the special exception, the Special Exception Site Plan, Tree Conservation Plan or Landscape Plan (as applicable) shall be revised, as follows, and submitted to the Office of the Zoning Hearing Examiner for review, approval and submission into the record:

- a. Depict the entire Parcel 1 with property boundary bearings and distances and 10-foot-wide public utility easements, in accordance with Plat Book 245 page 22.
- b. Provide information showing a fire hydrant will be provided within 500-feet of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners, etc.).
- c. Show all property boundaries from which direct access to I-95/I-495 (Capital Beltway) is denied.
- d. Add the following notes to the General Notes on page 3 of the site plan:
  - i. “Upon the abandonment of a gas station, the Special Exception shall terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term

"abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease."

ii. "The retail sale of alcoholic beverages from a food or beverage store approved in accordance with Section 27-355 of the Zoning Ordinance (2019 Edition) is prohibited."

e. The freestanding pylon sign shall not exceed 25 feet in height.

2. The Type 2 tree conservation plan (TCP2) shall be revised as follows:

a. Add the TCP2 number to the worksheet.

b. Complete the note on the plan stating that the off-site woodland conservation mitigation credits have been obtained; list the Liber/Folio that the certificate was recorded under.

3. Approval is contingent upon the submittal of the executed easement agreement that will allow Applicant to access Brightseat Road to the site. No permits may be issued for the property until a copy said easement and any required approval of the access by the District Council, Planning Board or other agency s submitted to the Office of the Zoning Hearing Examiner for inclusion in the record. Applicant shall also submit a copy of any Site Plan or revised Landscape Plan approved by the Planning Board or District Council pursuant to the requirements for development in the I-3 Zone, for inclusion in the record.

[Note: The Special Exception Site Plan Landscape Plan and accompanying plans and details are set forth in Exhibit 49(b). The Tree Conservation Plan is Exhibit 12]

RESOLUTION

WHEREAS, Sandpiper LLC is the owner of a 5.3-acre parcel of land known as Brightseat Road Elementary School, Parcel A, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned I-3; and

WHEREAS, on July 24, 2015, Sandpiper LLC filed an application for approval of a Final Plat of Resubdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Final Plat of Resubdivision, also known as Final Plat 5-15059 for Sandpiper Property Subdivision, Parcel 1, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 7, 2016, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on July 7, 2016, the Prince George's County Planning Board APPROVED the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Final Plat of Resubdivision 5-15059 for Sandpiper Property Subdivision, Parcel 1, with the following conditions:

1. Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.
3. The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:



1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. The subdivision has been evaluated, in accordance with Section 24-111(c), for adequate public facilities as set forth in Divisions 3 and 4 of Subtitle 24.
3. **Background**—The subject property is currently known as Parcel A, Brightseat Road Elementary School, recorded on or about December 17, 1969 (Plat WWW 73-16) in the County Land Records. The property is located on Tax Map 67 in Grid D-1, and is approximately 5.3 acres. Although the current record plat reflects the parcel size as 9.78 acres, the property has been the subject of right-of-way taking, resulting in the current size of 5.3 acres, and is currently assessed as Part of Parcel A. The parcel is currently undeveloped. The subject application is a final plat for resubdivision of the property, as required by Section 24-111(c) of the Subdivision Regulations.

Section 24-111(c) of the Subdivision Regulations requires a final plat of subdivision approved prior to October 27, 1970 to be resubdivided prior to the issuance of a building permit unless meeting one of the exemption criteria outlined in Section 24-111(c)(1)–(4). The subject parcel does not meet any of the exemptions and, therefore, is required to be resubdivided. Further, Section 24-111(c) provides that a final plat submitted for resubdivision without modifications shall be approved by the Planning Board if it is found that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Divisions 3 and 4 of Subtitle 24. The applicant has submitted this final plat application in accordance with the requirements of Section 24-111(c) with a concept plan which proposes to construct two 150-room hotel buildings (300 rooms) on the site. The submitted concept plan is for the sole purpose of determining adequacy and is not an approved plan. An alternative development proposal of one 150-room hotel building and a convenience store with 12 fueling stations was provided in an addendum to the traffic study for the subject site and analyzed for further transportation impacts, as outlined in Finding 10 below.

The site has frontage on the Capital Beltway (I-95/495), a master plan freeway; Arena Drive, a master plan arterial right-of-way; and Brightseat Road, a master plan collector right-of-way. Section 24-121(a)(3) of the Subdivision Regulations state that “When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road.” In accordance with the requirements of Section 24-121(a)(3), the proposed plat reflects access denied along I-495 and Arena Drive and the submitted concept plan shows a planned entrance from Brightseat Road. The applicant did not request a variation from Section 24-121(a)(3).

4. **Setting**—The subject property is located on Tax Map 67, Grid D-1 in Planning Area 72 and is zoned I-3 (Planned Industrial/Employment Park). The site is bounded to the north by a vacant parcel also in the I-3 Zone, to the east by the Capital Beltway (I95/495), to the south by Arena Drive, and to the east by Brightseat Road.



5. **Development Data Summary**—The following information relates to the subject final plat of subdivision application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	I-3 Vacant	I-3 Hotel and convenience store/ gas station
Acreage	5.3	5.3
Lots	0	0
Outlots	0	0
Parcels	1	1
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

6. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

7. **Police**—The proposed development is within the service area of Police District III, Palmer Park. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2014 (U.S. Census Bureau) county population estimate is 904,430. Using 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space (267,660 square feet) is within the guideline.

8. **Fire and Rescue**—This subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Kentland Fire/EMS, Company 833, a first due response station (a maximum of seven minutes travel time), is located at 7701 Landover Road, Hyattsville, Maryland 20785.



**Capital Improvement Program (CIP)**

The Capital Improvement Program (Prince George's County) for Fiscal Years 2015–2020 provides funding rehabilitating the existing station.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

9. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002), and it is concluded that the subdivision will have no impact because it is a nonresidential use.
10. **Transportation**—The subject property consists of approximately 5.3 acres of land in the I-3 Zone. The property is located in the northeast quadrant of Arena Drive and Brightseat Road. The applicant is proposing two hotel buildings or, alternatively, one hotel and a convenience store with fueling station.

**Analysis of Traffic Impacts**

The application is for a final plat, to be reviewed at the Planning Board level. The applicant initially provided a concept plan for two hotels, and a traffic study was submitted that analyzed two 150-room hotels for the site.

An addendum to the traffic study was provided on February 11, 2016 that analyzed the impact of one 150-room hotel and a convenience store with 12 fueling stations. The findings and recommendations outlined below are based upon the development scenario submitted on February 11, 2016 and a review of materials and analyses consistent with the “Transportation Review Guidelines, Part 1” (Guidelines). Using trip generation rates from the Guidelines and the Trip Generation Manual (Institute of Transportation Engineers), the following table was developed comparing the proposal from the initial traffic study with the current proposal:



Trip Generation Summary, 5-15059 Sandpiper								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<b>Scenario One (per 2015 traffic study)</b>								
Hotel (2 @ 150 rooms)	300	rooms	94	65	159	92	88	180
<b>Scenario Two (per 2/11/2016 addendum)</b>								
Hotel (1 @ 150 rooms)	150	rooms	47	33	80	46	44	90
Convenience store with fuel pumps	12	fueling positions	96	97	193	120	121	241
Less Diverted Trips from I-95 (42 percent AM/44 percent PM)			-40	-41	-81	-53	-54	-107
Less Pass-By (21 percent AM/22 percent PM)			-20	-20	-40	-26	-26	-52
Net Trips			36	36	72	41	41	82
Total Off-Site Trips (including diverted trips)			123	110	233	140	139	279

The traffic generated by the conceptual development proposals would impact the following intersections, interchanges, or links in the transportation system:

- Arena Drive & Shoppers Way (signalized)
- Arena Drive & I-95/I-495 NB Ramps (signalized)
- Arena Drive & I-95/I-495 NB Ramps (signalized)
- Arena Drive & Brightseat Road (signalized)
- Arena Drive & Redskins Road (signalized)
- Brightseat Road & Site Access (non-signalized)

The subject property is located within Transportation Service Area 1 (TSA-1), as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections, subject to meeting the geographical criteria in the "Transportation Review Guidelines, Part 1."

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least



one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in March 2015 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)		Level of Service (LOS)	
	(AM/PM)		(AM/PM)	
Arena Drive & Shoppers Way	548	891	A	A
Arena Drive & I-95/I-495 NB Ramps	839	978	A	A
Arena Drive & I-95/I-495 NB Ramps	645	1,014	A	B
Arena Drive & Brightseat Road	737	969	A	A
Arena Drive & Redskins Road	717	809	A	A
Brightseat Road & Site Access	--	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The critical intersections identified above are not programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County CIP.

Under existing conditions, all of the intersections are operating at acceptable levels of service and/or intersection delay, as defined by the Guidelines.

Background traffic that is expected to be generated by approved developments in the immediate area included the Largo Metro Center, Woodstream Church, the Brightseat Road Property, the Barlow Road Property, and Landover Mall. Trips from these developments were generated by multifamily units, day care/private school, townhouse units, and retail.



BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)		Level of Service (LOS)	
	(AM/PM)		(AM/PM)	
Arena Drive & Shoppers Way	836	1,090	A	B
Arena Drive & I-95/I-495 NB Ramps	1,222	1,406	C	D
Arena Drive & I-95/I-495 NB Ramps	953	1,337	A	D
Arena Drive & Brightseat Road	877	1,124	A	B
Arena Drive & Redskins Road	746	843	A	A
Brightseat Road & Site Access	--	--	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The critical intersections identified above are not programmed for improvements with 100 percent. Under background conditions, all of the intersections are operating at acceptable levels of service and/or intersection delay, as defined by the Guidelines.

The new trips expected to be generated by the proposed development were added to background traffic to obtain future traffic conditions.

FUTURE TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV)		Level of Service (LOS)	
	(AM/PM)		(AM/PM)	
Arena Drive & Shoppers Way	842	1,098	A	B
Arena Drive & I-95/I-495 NB Ramps	1,264	1,461	C	E
Arena Drive & I-95/I-495 NB Ramps	1,001	1,396	B	D
Arena Drive & Brightseat Road	983	1,282	A	C
Arena Drive & Redskins Road	754	851	A	A
Brightseat Road & Site Access				
Maximum Vehicle Delay (in seconds)	24.9*	67.6*	Pass	Fail
Maximum Minor Street Approach Volume	N/A	165*		Fail
Critical Lane Volume	N/A	608*		Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				



Under future traffic conditions, all of the intersections are operating at acceptable levels of service and/or intersection delay, as defined by the Guidelines. Therefore, the application is approved with a trip cap reflecting the analysis.

The traffic impact analysis dated March 18, 2015 was referred to the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA).

DPW&T provided the following findings and comments shown in **bold text** with the Transportation Planning Section responses thereafter.

**The existing lane configurations shown in Exhibit 2 for the intersection of Sheriff Road/Brightseat Road and the southbound off-ramp from I-95/I-495 are not correct.**

The Sheriff Road/Brightseat Road/Redskins Road intersection. The lane configuration of the southbound approach should be labeled double left/two through/one right turn. The northbound approach should be three through/one left turn. In the case of the southbound off-ramp, there is no signage. Exhibit 2 shows one shared through/right lane and one left lane, which is correct although few, if any, through movements are expected. All changes were incorporated into the analyses. The intersection continues to operate at acceptable levels of service and/or intersection delay, as defined by the Guidelines, under total traffic conditions.

**Regional growth rates should have been used in the traffic study. Traffic has grown in this region.**

A review of the SHA annual average daily traffic volumes on both sides of Landover Road (MD 202) at Brightseat Road, over the past three years, actually shows a decline in regional traffic volumes. Traffic volumes on the Capital Beltway (I-95/I-495) have been flat over the past two years. Furthermore, the roadways in the study area are not regional roadways carrying large amounts of non-local traffic; they are more localized in nature. With the inclusion of background traffic, no further adjustments are needed for growth.

**Two background developments were not included as background development in the traffic study. They include the Prince George's County Regional Medical Center and the Tapestry at Largo. In addition, include the proposed Federal Bureau of Investigation (FBI) headquarters site at Landover Mall.**

The Prince George's County regional medical centers should have been included as background development in the traffic study. Preliminary Plan of Subdivision 4-15009 for the Prince George's Regional Hospital was approved by the Planning Board in June 2015 (PGCPB Resolution No.15-59). Largo Park (Tapestry at Largo) was approved for 318 residential units, 79,749 square feet of office, and 18,872 square feet of commercial/retail in January 2007 and should have been included as background development as well.



The excluded developments are reflected in the staff's analysis.

**Provide a northbound right turn lane at the site access point on Brightseat Road and update the Highway Capacity analysis at this location to reflect an upstream/downstream signalized intersection beyond the site access point.**

The site access point appears to be opposite another entrance to Brightseat Road, creating a four-way intersection. Motorists will expect turning movements to occur at the intersection. The analysis has been revised as suggested, and the results are still acceptable.

**Provide an operational analysis for the road network showing queues and delays at the studied intersections.**

Operational analyses for the road network are generally not required by the Guidelines. The comment is provided for the benefit of the applicant so that all parties are aware that the County will likely require additional analyses at the time of access or street construction permit. The applicant should provide the operational analysis to the County, outside of this review process.

**DPW&T recommended that the traffic impacts from the proposed Federal Bureau of Investigation (FBI) site at Landover Mall should have been included in the traffic study.**

Landover Mall is one of three regional sites being considered by the federal government for the new FBI building. A decision has not been made on its location. At this time, and until some formal decision is made, inclusion of that proposal in background is deemed to be unnecessary.

**Maryland State Highway Administration (SHA)**—The Planning Board accepts that no responses have been received from SHA to date, and are not required.

#### **Circulation/Access**

A limited amount of information on circulation, parking, etc. on the site was submitted by the applicant. The Arena Drive North concept plan shows two building footprints surrounded by sidewalks and on-site parking. A sidewalk provides a link between the two proposed hotels and to Brightseat Road. The sole access point is proposed on Brightseat Road at an unsignalized intersection.

#### **Master Plan Roads**

Brightseat Road is a master plan roadway (collector) with a right-of-way width of 80 feet. No further dedication is required. Arena Drive is listed as an arterial master plan roadway with a right-of-way width of 120 to 150 feet, no further dedication is required.



Based on the preceding findings, adequate transportation facilities exist or are programmed for the area within which the subdivision is located, with the following conditions:

- a. Total development shall be limited to uses that would generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
  - b. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.
11. **Pedestrian and Bikeway Facilities**—The subject site is not located in either a designated center or corridor and, therefore, not subject to the requirements for determining adequacy of bicycle and pedestrian facilities within centers or corridors pursuant to County Council Bill CB-2-2012. Off-site bicycle and pedestrian improvements are not required for the subject application. The site is exempt from Section 24-122.01 of the Subdivision Regulations.

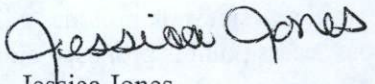
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 7, 2016 in Upper Marlboro, Maryland.

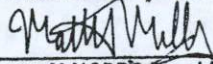
Adopted by the Prince George's County Planning Board this 7th day of July 2016.

Patricia Colihan Barney  
Executive Director

  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:SC:rpg

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPG Legal Department  
Date 7/8/16



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

June 17, 2016

**RE: DSP-15021 Arena Drive North, Sandpiper Property  
Sandpiper Hospitality V, LLC., Applicant**

## *NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL*

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on June 13, 2016.

## *CERTIFICATE OF SERVICE*

This is to certify that on June 17, 2016, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Redis C. Floyd". The signature is written in black ink and is positioned above a horizontal line.

Redis C. Floyd  
Clerk of the Council



Case No.: DSP-15021  
Arena Drive North, Sandpiper  
Property

Applicant: Sandpiper Hospitality V, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article (“LU”), Md. Ann. Code (2012 Ed. & Supp. 2015) and Section 27-290 of the Prince George’s County Code (2015 Ed., as amended) (“PGCC”), the District Council has jurisdiction to issue the final decision in Detailed Site Plan Application Number 15021, (“DSP-15021”).<sup>1</sup> For reasons set forth below, Planning Board’s Resolution No. 16-21 (“PGCPB No. 16-21”), approving DSP-15021, to construct two identical four-story, 124-room, 47,624-square-foot hotels, is hereby, AFFIRMED.

FACTUAL AND PROCEDURAL BACKGROUND

The Applicant, Sandpiper Hospitality V, LLC, seeks site plan approval to construct two identical four-story, 124-room, 47,624-square-foot hotels on 5.3 acres of land in the I-3 (Planned Industrial/Employment Park) Zone. The subject property is located in the northeastern quadrant of the intersection of Arena Drive and Brightseat Road, which also located in Planning Area 72 and Council District 5.

The 5.30-acre site is roughly rectilinear in shape with frontage on Brightseat Road to the west, Arena Drive to the south, and the Capital Beltway (I-95/495) to the east. Undeveloped land, zoned I-3, is located to the north. The site’s topography includes a gentle slope (a ten-foot-rise from west to east) and an even lesser slope (a five-foot-rise from south to north). Access to the site will be at a single point on the northern end of its Brightseat Road frontage. There is also

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<sup>1</sup> See also *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

internal circulation and parking provided on-site by driveways around and between the two proposed buildings.

The two identical, four-story, 124-room hotels are located in a generally north to south direction on the site, with the more easterly hotel, proposed Building 2, located at an askew angle from the first, which is located on the westerly portion of the site, parallel to the site's Brightseat Road frontage. The footprint of each hotel is 11,362 square feet and the total square footage of each hotel is 47,624 square feet. The Applicant will construct the hotel on the eastern side of the site first. Each hotel will include a small fitness area and retail shop on the first floor.

The architecture for the two identical hotels is composed of a combination of brick, exterior insulation finishing system (EIFS),<sup>2</sup> Hardiboard, and asphalt shingles. Visual interest is created in the form and massing of the architecture by the use of these different building materials in a variety of colors, coordinated with the various building components. The roofline is articulated with its design reflective of the form and massing of the building, with the end and central sections specified as to be finished with brick and additional architectural details, as well as to be taller than the remainder of the building.

The front and rear façades are the longer façades of these rectilinear buildings. These façades have articulated rooflines, which stand on the ends and central portions of the façades. The central section on the front and rear façades of each hotel contains the one building-mounted sign on each façade, measuring approximately 200 square feet in size. The fenestration on the front and rear façades presents a pleasing rhythm of double windows, except on the central portion where the window pattern varies, to follow the interior common functions such as the

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<sup>2</sup> Exterior insulation and finishing system (EIFS) is a general class of non-load bearing building cladding systems that provides exterior walls with an insulated, water-resistant, finished surface in an integrated composite material system.



lobby, a small commercial retail area, and a fitness center.

The side elevations are generally composed of two major building components, both with pitch roofs. The lower of the two sections contains a service door and the higher of the two contains four double windows (one on each floor) and a project sign measuring 50 square feet. The design for the hotels includes continuous brick at the base of the buildings on the first story to add richness and visual interest at the pedestrian scale. Site details include a retaining wall, a specified aluminum fence, and a dumpster enclosure. A condition of this approval requires that the specified aluminum fence be clad with a black baked-on gloss finish to enhance its durability and appearance.

The sign package for the project includes the above-mentioned building-mounted signs and three freestanding signs. One of these is a “regulatory” sign, which measures three feet in height and approximately three feet in width and is located on the northern end of Building 1. A second freestanding sign, with two panels of copy, measuring 35 feet 10 inches tall and 100 square feet in area, is located along the ramp from the Capital Beltway (I-95/495). The third freestanding sign to be included in the project is located on the southern side of the entrance to the property, measuring 35 feet 10 inches tall and containing an area of 68 square feet, which is excessive for the purpose it serves. A condition of this approval requires that the height of the sign be revised to a maximum of 25 feet. The design of the signage is included in the details provided on the plan to include a common theme of being aqua in color and simply stating the project name “Woodspring Suites An Extended Stay Hotel” with the leaf insignia for the hotel. Both the lettering and the leaf insignia are executed in a bi-color arrangement of white and green fonts.

Lighting for the site includes 31 “shoebox” light fixtures, which provide adequate light for safety in accordance with Crime Prevention Through Environmental Design (CPTED) principles, while preventing light spillage on adjacent properties. Other lighting luminaire on the site includes a single wall-mounted fixture on the side façade facing Arena Drive of the more easterly building. Also, in accordance with CPTED principles, the original placement of the light fixtures with respect to landscaping was reevaluated and adjusted so that the landscape trees, when they reach their mature height and breadth, will not interfere with the lighting.

The following green building techniques will be incorporated into the design, construction, and operation of the proposed hotels constructed on the subject property. While the applicant is not planning to seek Leadership in Energy and Environmental Design (LEED) certification, many of the items listed below are requirements for that certification:

- Compliance with the 2009 Energy Code in overall design;
- Energy management system for heating, ventilation, and air conditioning (HVAC) equipment;
- Cooling systems use R-410A refrigerant;
- Attics are fully ventilated to reduce cooling needs;
- Insulated double pane windows are used throughout the buildings;
- Energy saving light-emitting diode (LED) lighting is used in 90 percent of the buildings;
- Water saving valves are used on all toilets;
- Water saving aerators are used on all faucets;
- Flooring material uses recycled polymers;
- Cabinets use recycled wood products;



- Framing of the buildings uses recycled wood products – sheathing, subfloors, and floor joists;
- Low to zero volatile organic compounds (VOC) paints is specified for all painted surfaces; and
- All cleaning chemicals are biodegradable, and automatically mixed for safe use concentrations.

Additionally, low-impact site development elements have been incorporated in the stormwater design. More particularly, in accordance with the requirements of Chapter 5 of the Maryland Stormwater Design Manual (2009) and the Prince George's County Stormwater Management Design Manual (2014), environmental site design has been provided to the maximum extent practicable. The layout and grading herein approved has been designed to allow water to continue to drain in patterns similar to pre-development conditions. Micro-bioretenion facilities are located in multiple locations on the site, including along the southern frontage of the property facing Arena Drive and its northeastern frontage along the Beltway, as well as within large planter boxes adjacent to the buildings in the green area around the buildings. A wooded area is to remain as a conservation area which will be used for sheetflow to the conservation area in the design for a portion of the runoff. Lastly, a minimum of surface parking has been provided, pervious paving has been utilized for the majority of the parking area, and a large island of green space is preserved in that area so as to limit the amount of impervious area.

On March 10, 2016, Planning Board adopted a resolution approving DSP-15021 subject to conditions. *See* PGCPB No. 16-21, pp. 23–26. Subsequently, the resolution was sent to all persons of record and to the Clerk of the County Council.

On or about April 14, 2016, French C. Wallop appealed Planning Board's approval of DSP-15021, to the District Council. *See* Notice of Appeal, 4/14/2016.

On May 2, 2016, the District Council took no action in this matter.

On June 3, 2016, the Applicant provided a written Response to Ms. Wallop's appeal. *See* Applicant's Response, 6/3/16.

On June 13, 2016, the District Council conducted oral argument to consider the appeal filed by Ms. Wallop.

#### FINDINGS AND CONCLUSIONS

Ms. Wallop objects to the approval of DSP-15021, in part, because she contends that DSP-15021 seeks to develop a "low budget motel," versus a 3 or 4 star Hotel. *See* Notice of Appeal, 4/14/2016.

The District Council finds that the appeal filed by Ms. Wallop has no factual or legal merit. The District Council adopts and incorporates by reference, as if fully restated herein, the Applicant's response as a basis for this final decision.

#### Approval of DSP-15021

As expressly authorized by Titles 22 and 25 of the Land Use Article of the Annotated Code of Maryland and Subtitle 27 of the Prince George's County Code, Planning Board's approval of DSP-15021 is legally authorized pursuant to PGCC Part 3, Division 9. Planning Board's approval of DSP-15021 is supported by substantial evidence of record, and is not arbitrary or capricious, or otherwise illegal. As a basis of this final decision, we adopt the findings and conclusions, set forth in PGCPB No. 16-21, and APPROVE the Type 2 Tree Conservation Plan (TCP2-026-2015) and Variances from Sections 27-474(b) and 27-471(f)(2) for Arena Drive North, Sandpiper Property, and further APPROVE DSP-15021 for the above-described land, subject to the following conditions:



1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall provide the required information or make the following revisions to the plans:
  - a. A detail for the proposed permeable paving shall be included in the plan set.
  - b. The height of the two buildings shall be included within the footprint of the buildings on the DSP.
  - c. The applicant shall subtract five acres or 271,311 square feet of "Total Area of Existing Trees" from the calculation of "Total Tree Canopy Coverage Provided" in the Tree Canopy Coverage schedule for Section 25-128 provided on Sheet 2 of the landscape and lighting plan.
  - d. The applicant shall revise the parking and loading schedule provided on Sheet 5 of the plan to include the sizes of the parking and loading spaces.
  - e. The six parking spaces located along the most northern portion of the southeastern façade of proposed Building 2 currently shown to be paved in asphalt shall be designated to be paved with permeable concrete.
  - f. The parking bay immediately to the south of the bicycle rack provided for proposed Building 1 shall be redesigned so that all parking spaces in that bay meet the minimum size of 9.5 feet by 19 feet.
  - g. The following corrections shall be made to Sheet 7 of the plan:
    - (1) The signage chart included on Sheet 7 of the plan shall be revised as follows:
      - (a) The sign referred to as the "Free Standing Short Sign" shall be corrected to read "Regulatory Sign."
      - (b) The zoning requirements for the regulatory sign shall be corrected to read that the maximum height of the sign is 39 feet 10 inches and the maximum area of the sign is 8 square feet.

(2) The height listed under comments in the detail provided for “Large Freestanding Sign No. 1” shall be revised to 35 feet 10 inches and the height listed under comments in the detail provided for “Large Freestanding Sign No. 2” shall be revised to read 25 feet.

h. The aluminum fencing proposed at the top of the retaining walls running down the Brightseat Road frontage, in the middle of the site and at the southwesterly end of Building 2, shall be specified as having a “black baked-on gloss finish.”

i. The following corrections shall be made to the indicated line item on the Tree Canopy Coverage schedule provided, pursuant to Section 25-128 of the Zoning Ordinance on Sheet 2 of the landscape and lighting plan:

Line Item on the Tree Canopy Coverage Schedule	As Stated on Sheet 2 of the Landscaping and Lighting	As Corrected
A. Total On-Site WC Provided (Acres)	0.60 acre/26,136 sq. ft.	0 acre/0 sq. ft.
B. Total Area Existing Trees (Non-WC Acres)	5.00 acre/217,800 sq. ft.	0.6 acre/26,136 sq. ft.
D. Total Tree Canopy Provided	271,311 sq. ft.	53,511 sq. ft.

j. The applicant shall revise the Section 4.2 schedule to reflect that Option 1 is what is required in the Planned Industrial/Employment Park (I-3) Zone and demonstrating that its requirements are met along the Brightseat Road, Arena Drive, and Capital Beltway (I-95/495) frontages.

k. The applicant shall specify the brick architectural material to be utilized on the hotels as the proposed material for the dumpster enclosure.

2. Prior to issuance of building permits, a plat of resubdivision shall be approved.

3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Prince George’s County Department of Public Works and Transportation (DPW&T) for the placement of one “Share the Road with a Bike” sign along Brightseat Road. A note shall be placed on the final record plat for payment to be received prior to issuance of the first building permit.



ORDERED this 13<sup>th</sup> day of June, 2016, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, and Taveras.

Opposed:

Abstained:

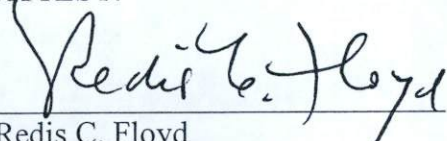
Absent: Council Members Toles and Turner.

Vote: 7-0

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

By:   
Derrick Leon Davis, Chairman

ATTEST:

  
Redis C. Floyd  
Clerk of the Council



RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 18, 2016 regarding Detailed Site Plan DSP-15021 for Arena Drive North, Sandpiper Property, the Planning Board finds:

- Request:** The subject approval is for the construction of two identical four-story, 124-room, 47,624-square-foot hotels and ancillary site improvements. This approval also includes two variance requests from the requirements of Sections 27-471(f)(2) and 27-474(b) of the Prince George’s County Zoning Ordinance, respectively.

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
<b>Zone</b>	I-3	I-3
<b>Use</b>	Vacant	Hotel
<b>Acreage</b>	5.3	5.3
<b>Parcel</b>	1	1
<b>Number of Hotel Room</b>	0	248

**OTHER DEVELOPMENT DATA**

	<b>Required</b>	<b>Provided</b>
<b>Green Area</b>	25%	46%

**Parking Schedule**

**PARKING REQUIRED**

**BUILDING 1**

(1 space/2 guest rooms) @ 124 guest rooms	62 spaces
(3 handicap spaces per 51 to 75 required parking spaces)	3 spaces
<b>Total for Building 1</b>	<b>65 spaces</b>

**BUILDING 2**

(1 space/2 guest rooms) @ 124 guest rooms	62 spaces
(3 handicap spaces per 51 to 75 required parking spaces)	3 spaces
<b>Total for Building 2</b>	<b>65 spaces</b>

PARKING PROVIDED

**BUILDING 1**

Surface Parking	82 spaces (9.5' x 19')
Handicap (Van Accessible)	2 spaces (11' x 19')
Handicap (Standard)	2 spaces (9.5' x 19')
<b>Total for Building 1</b>	<b>86 spaces</b>

**BUILDING 2**

Surface Parking	107 spaces (9.5' x 19')
Handicap (Van Accessible)	2 spaces (11' x 19')
Handicap (Standard)	2 spaces (9.5' x 19')
<b>Total for Building 2</b>	<b>111 spaces</b>

Loading Schedule

LOADING SPACES REQUIRED

**Building 1**

33' X 12' Designated Loading Space 1 space

**Building 2**

33' X 12' Designated Loading Space 1 space

LOADING SPACES PROVIDED

**Building 1**

33' X 12' Designated Loading Space 1 space

**Building 2**

33' X 12' Designated Loading Space 1 space

- Location:** The subject property is located in the northeastern quadrant of the intersection of Arena Drive and Brightseat Road. The project is also located in Planning Area 72 and Council District 5.
- Surrounding Uses:** The site is bounded to the south by Arena Drive, with forested/partially developed land in the Planned Industrial/Employment Park (I-3) Zone beyond; to the east by the Capital Beltway (I-95/495), with industrial land use in the Employment and Institutional Area (E-I-A) Zone beyond; to the north by undeveloped land in the I-3 Zone; and to the west by Brightseat Road, with Jericho Baptist Church in the I-3 Zone beyond.
- Previous Approvals:** The site is the subject of Preliminary Plan of Subdivision 12-3266, which was approved on December 17, 1969 and recorded as Record Plat 16 in Book WWW 73-16.



The site also has an approved Stormwater Management Concept Plan, 14770-2015-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on July 31, 2015, and is valid until July 31, 2018.

6. **Design Features:** This 5.30-acre site is roughly rectilinear in shape with frontage on Brightseat Road to the west, Arena Drive to the south, and the Capital Beltway (I-95/495) to the east. Undeveloped land, zoned I-3, is located to the north. The site's topography includes a gentle slope (a ten-foot-rise from west to east) and an even lesser slope (a five-foot-rise from south to north). The site will be accessed at a single point on the northern end of its Brightseat Road frontage, and internal circulation and parking is provided on-site by driveways around and between the two buildings herein approved. Parking and loading schedules demonstrating conformance with the relevant requirements of Part 11 of the Zoning Ordinance are included on the coversheet and on Sheet 5. As the schedules are not identical, a condition of this approval requires that, prior to certificate approval of this DSP, the parking and loading space sizes be added to the parking schedule on Sheet 5. Additionally, the parking space to the south of the bike rack provided for Building 1 is substandard in size. A condition of this approval requires that, prior to certificate approval, the parking bay in question be redesigned so that all of the parking spaces meet the minimum size requirement of 9.5 feet by 19 feet.

The two identical, four-story, 124-room hotels are located in a generally north to south direction on the site, with the more easterly hotel, proposed Building 2, located at an askew angle from the first, which is located on the westerly portion of the site, parallel to the site's Brightseat Road frontage. The footprint of each hotel is 11,362 square feet and the total square footage of each hotel is 47,624 square feet. The project is phased, with the hotel on the eastern side of the site to be built first. No date is specified for the second phase to move forward. Each hotel will include a small fitness area and retail shop on the first floor.

Stormwater for the site is proposed to be handled by a series of bioretention areas, four on the southern portion of the site and one in the northeastern portion of the site, and by use of permeable paving for most of the parking spaces. In an oversight on the plans, the six parking spaces on the northern end of the southeastern façade of Building 2 have been indicated to be paved in asphalt, instead of a permeable paving material. A condition of this approval requires that the applicant revise plans prior to certificate of approval to indicate that these parking spaces be paved with a permeable material.

The architecture for the two identical hotels is composed of a combination of brick, exterior insulation finishing system (EIFS), Hardiboard, and asphalt shingles. Visual interest is created in the form and massing of the architecture by the use of these different building materials in a variety of colors, coordinated with the various building components. The roofline is articulated with its design reflective of the form and massing of the building, with the end and central sections specified as to be finished with brick and additional architectural details, as well as to be taller than the remainder of the building.



The front and rear façades are the longer façades of these rectilinear buildings. These façades have articulated rooflines which stand on the ends and central portions of the façades. The central section on the front and rear façades of each hotel contains the one building-mounted sign on each façade, measuring approximately 200 square feet in size. The fenestration on the front and rear façades presents a pleasing rhythm of double windows, except on the central portion where the window pattern varies, to follow the interior common functions such as the lobby, a small commercial retail area, and a fitness center.

The side elevations are generally composed of two major building components, both with pitch roofs. The lower of the two sections contains a service door and the higher of the two contains four double windows (one on each floor) and a project sign measuring 50 square feet. The design for the hotels includes continuous brick at the base of the buildings on the first story to add richness and visual interest at the pedestrian scale.

Site details include a retaining wall, a specified aluminum fence, and a dumpster enclosure. A condition of this approval requires that the specified aluminum fence be clad with a black baked-on gloss finish to enhance its durability and appearance.

The sign package for the project includes the above-mentioned building-mounted signs and three freestanding signs. One of these is a "regulatory" sign, which measures three feet in height and approximately three feet in width and is located on the northern end of Building 1. A second freestanding sign, with two panels of copy, measuring 35 feet 10 inches tall and 100 square feet in area, is located along the ramp from the Capital Beltway (I-95/495). The third freestanding sign to be included in the project is located on the southern side of the entrance to the property, measuring 35 feet 10 inches tall and containing an area of 68 square feet, which is excessive for the purpose it serves. A condition of this approval requires that the height of the sign be revised to a maximum of 25 feet. The design of the signage is included in the details provided on the plan to include a common theme of being aqua in color and simply stating the project name "Woodspring Suites An Extended Stay Hotel" with the leaf insignia for the hotel. Both the lettering and the leaf insignia are executed in a bi-color arrangement of white and green fonts.

The following corrections shall be made to the Signage Chart included on Sheet 7 of the plan:

- a. The sign referred to as the "Free Standing Short Sign" shall be corrected to read "Regulatory Sign."
- b. The zoning requirements for the regulatory sign shall be corrected to read that "the maximum height of the sign is 35 feet ten inches and the area of the sign is 8 square feet."
- c. In the Comments section of the detail provided for "Large Freestanding Sign No. 1" and "Large Freestanding Sign No. 2," the correct height for each sign (25 for the sign on Brightseat Road and 35 feet 10 inches for the sign along the Beltway) shall be reflected.



A condition of this approval requires that these corrections be made.

Lighting for the site includes 31 “shoebox” light fixtures, which provide adequate light for safety in accordance with Crime Prevention Through Environmental Design (CPTED) principles, while preventing light spillage on adjacent properties. Other lighting luminaire on the site includes a single wall-mounted fixture on the side façade facing Arena Drive of the more easterly building. Also, in accordance with CPTED principles, the original placement of the light fixtures with respect to landscaping was reevaluated and adjusted so that the landscape trees, when they reach their mature height and breadth, will not interfere with the lighting.

The following green building techniques will be incorporated into the design, construction, and operation of the proposed hotels constructed on the subject property. While the applicant is not planning to seek Leadership in Energy and Environmental Design (LEED) certification, many of the items listed below are requirements for that certification:

- Compliance with the 2009 Energy Code in overall design;
- Energy management system for heating, ventilation, and air conditioning (HVAC) equipment;
- Cooling systems use R-410A refrigerant;
- Attics are fully ventilated to reduce cooling needs;
- Insulated double pane windows are used throughout the buildings;
- Energy saving light-emitting diode (LED) lighting is used in 90 percent of the buildings;
- Water saving valves are used on all toilets;
- Water saving aerators are used on all faucets;
- Flooring material uses recycled polymers;
- Cabinets use recycled wood products;
- Framing of the buildings uses recycled wood products – sheathing, subfloors, and floor joists;
- Low to zero volatile organic compounds (VOC) paints is specified for all painted surfaces; and
- All cleaning chemicals are biodegradable, and automatically mixed for safe use concentrations.



Additionally, low-impact site development elements have been incorporated in the stormwater design. More particularly, in accordance with the requirements of Chapter 5 of the Maryland Stormwater Design Manual (2009) and the Prince George's County Stormwater Management Design Manual (2014), environmental site design has been provided to the maximum extent practicable. The layout and grading herein approved has been designed to allow water to continue to drain in patterns similar to pre-development conditions. Micro-bioretenment facilities are located in multiple locations on the site, including along the southern frontage of the property facing Arena Drive and its northeastern frontage along the Beltway, as well as within large planter boxes adjacent to the buildings in the green area around the buildings. A wooded area is to remain as a conservation area which will be used for sheetflow to the conservation area in the design for a portion of the runoff. Lastly, a minimum of surface parking has been provided, pervious paving has been utilized for the majority of the parking area, and a large island of green space is preserved in that area so as to limit the amount of impervious area.

7. **Prince George's County Zoning Ordinance:** The project is subject to the requirements of Section 27-473, Uses Permitted in Industrial Zones, of the Zoning Ordinance.
  - a. Hotels are a permitted use in the I-3 Zone. However, per Section 27-471(i)(1), the minimum area for development of any planned industrial/employment park shall be 25 acres. Footnote 59 of Section 27-473 regarding uses permitted in industrial zones allows hotels and motels on sites less than 25 acres in size provided a DSP is approved for the use pursuant to Part 3, Division 9, of the Zoning Ordinance. The subject DSP, which is herein approved, fulfills this requirement. The project is also subject to Section 27-471(f), Regulations; Divisions 1 and 5 of Part 7 (Industrial Zones); the Regulations Tables (Division 4 of Part 7); General Regulations (Part 2); Off-Street Parking and Loading (Part 11); Signs (Part 12); and the 2010 *Prince George's County Landscape Manual*, (Landscape Manual) deemed part of the Zoning Ordinance. See Finding 9 of this resolution for a full discussion of the approval's conformance to the requirements of the Landscape Manual.
  - b. The project is designed in accordance with the Zoning Ordinance requirements mentioned above, except with respect to the Section 27-474(b), Table 1 Setbacks (minimum in feet), which stipulates a required 50-foot setback, including surface parking from a freeway; and Section 27-471(f)(2), which requires that no more than 25 percent, or 40 percent in the Planning Board's discretion, of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented. The applicant has met both requirements.
  - c. **Variance Requests**—Per Section 27-239.03 of the Zoning Ordinance, the Prince George's County District Council or the Planning Board, when making a final decision regarding a site plan, has the sole authority to grant variances from the strict application of the Zoning Ordinance, in conjunction with its approval. Pursuant to this section, the applicant requested two variances, as follows:



**Variance Request 1** relates to Section 27-474(b) of the Zoning Ordinance, which requires that development in the I-3 Zone be set back a minimum of 50 feet from a freeway. Further, Footnote 9 of that section stipulates that this required setback applies to surface parking. In the subject case, the ramp from the Capital Beltway (I-95/495) to Arena Drive is less than 50 feet from the edge of the surface parking provided for the hotel on the eastern side of the site. The intrusion into the setback is of variable depth, with a maximum intrusion of 25.9 feet. Therefore, a variance of 24.1 feet is herein approved. In addition, a variance is herein approved for the required setback of Building 2 from Arena Drive for which, instead of the required 30 feet, a setback of 18.47 feet is provided. The setback along Arena Drive, like the setback from the Beltway, applies to surface parking too, pursuant to Footnote 9.

**Variance Request 2** relates to Section 27-471(f)(2) of the Zoning Ordinance, which requires that not more than 25 percent of any parking lot and no loading space be located in the yard to which the building's main entrance is oriented. Further, it stipulates that the Planning Board may approve up to an additional 15 percent in its discretion, if increasing parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building. The Planning Board hereby finds the applicant is allowed the additional 15 percent because it meets the listed criteria. First, increased parking in the yard to which the front entrance is located would better serve the efficiency of the hotel use. More patrons would then be able to park in front of the hotel and enter via the front door where the main reception desk/check-in area is located. Second, allowing the additional 15 percent would improve views from an interstate highway, the Capital Beltway, as the front entrances to the hotels are oriented to the west, away from the Beltway. Views of the hotel from the Beltway would be improved by including more of the architecture of the building and its landscaping and less of the parking.

The percent of parking lot square footage located in the yard to which the front door is located for the two buildings is as follows:

**Building 1:** The applicant has included 54.4 percent of the parking lot in the yard to which Building 1's entrance is oriented, which exceeds the maximum 40 percent that the Planning Board may allow by 14.4 percent.

**Building 2:** The applicant included 50.6 percent of the parking lot in the yard to which Building 2's entrance is oriented, which exceeds the maximum 40 percent that the Planning Board may allow by 10.6 percent.

Decisions regarding variances must conform to the criteria set forth in Section 27-230 of the Zoning Ordinance. Each required finding is listed below, followed by Planning Board findings. Each finding is specified as addressing either Variance Request 1 or 2, as



(a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

(1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**(Variance Request 1):** The extraordinary circumstance in this case is that the subject property is located along an exit ramp from the Capital Beltway. As such, and given the commercial use of the project, the Planning Board hereby finds that the 50-foot setback normally required from freeways is not needed in this case. Further, the Planning Board hereby finds that since the intrusion into the setback is in the rear of the hotel and the spaces in that area most probably will only be utilized after the parking in the front is full, this will most likely be an unusual and infrequent occurrence.

**(Variance Request 2):** The Planning Board hereby finds that due to the extraordinary condition of the property being utilized for hotel use, where parking is especially necessary in front of the building, and because the site is surrounded on three sides by roadways, including the Capital Beltway, a unique design constraint exists for the applicant, and this required finding is hereby made.

(2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property, and**

**(Variance Request 1):** If strict setback requirements were applied to the subject project, it would render the project unbuildable. The site has environmental features on its northern side and is surrounded on the other three sides by roadways. Peculiar and unusual difficulties would be created if the Zoning Ordinance is interpreted strictly and the setback requirements applied. The subject project is located adjacent to an exit ramp of the Capital Beltway (I-95/495), not the travel lanes of the Beltway. It is highly likely that this requirement was originally conceived to apply to the travel lanes of the freeway in question, not to an exit ramp, which is only two lanes wide. Also, the requirement includes pavement, in addition to building, which creates additional unusual difficulties. Note that the buildings actually meet this requirement.

**(Variance Request 2):** The strict application of this provision of the Zoning Ordinance would result in peculiar and unusual practical difficulties to the applicant due to the nature of the project herein approved. Patrons at hotels expect to be able to park proximate to the front entrance of the hotel for convenience and appreciate the added security that is afforded by the front entrance where hotel



employees are constantly present.

Criminal activity is less likely to occur if potential criminals are aware that someone might be observing their actions.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

**(Variance Request 1):** Allowing intrusion into the required setbacks will not substantially impair the intent, purpose, or integrity of the General Plan or master plan as follows:

- The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) Plan Prince George's 2035 designates this area for employment land uses that continue to support business growth and development near transit where possible, improving access and connectivity, and creating opportunities for synergies. Developing two hotels in this location will create jobs, but also provide a place where out of town businesspeople might stay while scouting sites for planned employment park or industrial uses for some of the undeveloped land proximate to the site, thereby perhaps supporting business growth and development proximate to the Capital Beltway (I-95/495), in accordance with the goals of Plan Prince George's 2035.
- Though the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* (Subregion 4 Master Plan and SMA) recommends that the accessibility and proximity of the area to the highway system provides an ideal location for light industrial, office, and flex space, the hotel use is permitted in the I-3 Zone. Considering the high vacancy rates of office in the area and its good visibility and highway access, the addition of the hotel use could be a catalyst for the area to transition toward a wider mix of flex, commercial, residential, and office uses.

**(Variance Request 2):** Allowing greater than 40 percent of the parking to be placed in the yard to which the front entrance is located will not substantially impact the intent, purpose, and integrity of the General Plan or master plan, as these documents have no specific guidance regarding the placement of parking with respect to a subject use.

The Planning Board hereby approves the two variance requests.

8. **Preliminary Plan of Subdivision 12-3266 and Record Plat WWW 73-16:** The property is Parcel A of the Brightseat Road Subdivision approved under Preliminary Plan of Subdivision 12-3266, which was approved on December 17, 1969 and recorded in Plat Book WWW 73-16.



The property described on the DSP is smaller than the property described on the plat due to public right-of-way dedication. There are no plat notes contained on the plat that are relevant to the review of the subject DSP.

9. **2010 Prince George’s County Landscape Manual:** The DSP for the construction of two hotels and surface parking is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual).
- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 requires landscape strips along streets for all nonresidential uses in any zone and for all parking lots. More particularly, properties in the I-3 Zone (such as the subject property) must meet the requirements of Section 4.2(c)(5) of the Landscape Manual, which states:

**If a property is located in the I-3 Zone, the width of the required landscape strip shall be as required by Section 27-474 of the Zoning Ordinance. The plant materials proposed within the landscape strip shall be shown on a detailed site plan approved in accordance with Section 27-471(d) of the Zoning Ordinance, but shall not be less in quantity than required by Section 4.2(c)(3)(a)(i).**

Section 27-474 of the Zoning Ordinance requires that 25 percent of the site be green area for properties located in the I-3 Zone and not in a Development District Overlay Zone or a Transit District Overlay Zone. The subject approval meets and exceeds this requirement by providing 46 percent green area. The Landscape Manual, however, specifies that the quantity of plantings provided on the landscape plan is equal to or exceeds the requirement of Section 4.2(c)(3)(a)(i) (Option 1). Per this section of the Landscape Manual, landscape strips provided along street frontages must have a minimum of one shade tree and ten shrubs per 35 linear feet of frontage, excluding driveway openings. The Planning Board hereby finds that the landscape strips provided along Arena Drive, the Capital Beltway (I-95/495), and Brightseat Road meet these requirements with regard to shade trees, but not to shrubs, as follows:

	<b>Trees Required</b>	<b>Trees Provided</b>	<b>Shrubs Required</b>	<b>Shrubs Provided</b>
Buffer A Arena Drive - 438.67 ft.	13	22 Requirement Met	100	62 Need 68 additional
Buffer B Brightseat Rd. - 402.72 ft.	11	14 Requirement Met	120	70 Need 50 additional
Buffer C Capital Beltway - 376.47 ft.	11	11 Requirement Met	130	41 Need 69 additional



A condition of this approval requires that, prior to certificate approval, the applicant revise the landscape plan to reflect 69 additional shrubs along the Beltway, 68 additional shrubs along the Arena Drive frontage, and 50 additional shrubs along the Brightseat Road frontage.

In addition, the Section 4.2 schedule indicates that the applicant selected Options 2 and 3, instead of Option 1, which is what is required in the I-3 Zone. Therefore, prior to certificate approval, a condition of this approval requires the applicant to revise the Section 4.2 schedule to reflect that. As per the Landscape Manual requirement regarding landscape strips along streets in the I-3 Zone, the applicant has provided a ten-foot-wide strip along the roadways abutting the site, planted at a rate of one shade tree and ten shrubs per 35 linear feet, at a minimum, as described in Section 4.2(c)(3)(a)(i)(Option 1) of the Landscape Manual.

- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires that a proposed parking lot larger than 7,000 square feet provide interior planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The subject parking lot is 113,646 square feet in size. Thirteen percent, or 14,773 square feet, of interior planting is required for a parking lot of this size. The landscape plan indicates that 14,783 square feet of interior planting is proposed to be provided, meeting and exceeding this requirement.
- c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The submitted information indicates that a wood board-on-board dumpster enclosure is proposed for the project, in accordance with Option (A) on page 62 of the Landscape Manual. As wood has not proved to be a durable and lasting material for this sort of structure, the Planning Board by condition of this approval, requires that a more durable masonry product, particularly brick, be utilized for the dumpster enclosure.
- d. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of each plant type required to be native species and/or native species cultivars is specified below:

Shade trees	50%
Ornamental trees	50%
Evergreen trees	30%
Shrubs	30%



The landscape plan provides 80.9 percent native shade trees, 51.6 percent native ornamental trees, 100 percent evergreen trees, and 52.2 percent shrubs, and therefore meets and exceeds the above requirements.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. Further, the site contains a total of 5.2 acres of woodlands. The site has a woodland conservation threshold of 0.80 acre and a total requirement of 2.09 acres. The Type 2 tree conservation plan (TCP2) proposes to meet the requirement with 2.09 acres of off-site woodland preservation. The TCP2 proposes to preserve 0.60 acre of woodland on-site in a woodland preservation area not credited. The 0.60 acre area of woodland is less than 50 feet wide in several places and therefore cannot be used to meet woodland conservation requirements. A temporary tree protection fence is proposed to protect the woodlands during development. The Planning Board hereby finds that the plans for the subject site are in conformance with the applicable requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
  
11. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3: Tree Canopy Coverage Ordinance, requires that ten percent (0.53 acre or 23,087 square feet) of the site be covered in tree canopy. The applicant has provided this acreage/square footage of tree canopy by leaving 0.60 acre or 26,316 square feet of existing trees and providing 27,375 square feet in landscape trees, totaling 53,511 square feet of tree canopy coverage (TCC), that meets and exceeds the 23,087-square-foot requirement. However, the TCC schedule on Sheet 2 of the landscape and lighting plan submitted for the project contains the following errors that need to be corrected. A condition of this approval requires that these corrections be made prior to certificate of approval of the plans.

Line Item on the Tree Canopy Coverage Schedule	As Stated on Sheet 2 of the Landscaping and Lighting	As Corrected
A. Total On-Site WC Provided (Acres)	0.60 acre/26,136 sq. ft.	0 acres/0 sq. ft.
B. Total Area Existing Trees (Non-WC Acres)	5.00 acre/217,800 sq. ft.	0.6 acre/26,136 sq. ft.
D. Total Tree Canopy Provided	271,311 sq. ft.	53,511 sq. ft.

Line Item B of the TCC schedule provided on Sheet 2 of the landscape and lighting plan submitted with the project mistakenly includes the five acres of trees currently on the site in Line Item D, Total Tree Canopy Coverage Provided. Therefore, a condition of this approval requires that the applicant subtract the five acres of existing trees from that line item as a ministerial correction prior to certificate approval.

12. **Further Planning Board Findings and Comments from Other Entities:** The concerned agencies and divisions comments are summarized as follows:



- a. **Historic Preservation**—The Planning Board hereby finds that the approval of DSP-15021, Arena Drive North, Sandpiper Property, will have no effect on historic sites, resources, or districts.
- b. **Archeological Review**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject approval will not impact any historic sites, historic resources, or known archeological sites.
- c. **Community Planning**—The Planning Board hereby makes the following determinations:
  - The application is consistent with the *Plan Prince George's 2035 Approved General Plan* which designates this area as an employment area.
  - The application is not strictly consistent with the *2010 Approved Subregion 4 Master Plan and Sectional Map Amendment*, which recommends light industrial and office land uses, but hotel is a permitted use in the I-3 Zone.

With respect to Plan Prince George's 2035, the subject area is located in an area designated for employment land uses that continue to support business growth and development near transit where possible, improve transportation access and connectivity, and create opportunities for synergies.

The Subregion 4 Master Plan and SMA recommends the following (page 78): "The accessibility and proximity of the area to the highway system provides an ideal location for office, flex (lightly zoned industrial or office space where the building provides its occupants the flexibility of utilizing the location for office or showroom space in combination with manufacturing, laboratory, warehouse, etc.) and industrial uses to occur."

The Planning Board finds that the applicant proposes to build a hotel featuring two four-story buildings with a total of 248 rooms and 202 surface parking spaces on 5.3 acres of land. The subject property is bounded by Brightseat Road with a church beyond to the west; by an undeveloped parcel zoned I-3 to the north; Arena Drive to the south, with a forested site that appears to have driveways onto the property zoned I-3 beyond; and the Capital Beltway (I-95/495) to the east. The hotel is permitted in the I-3 Zone, although the Subregion 4 Master Plan recommends light industrial and office land uses. Most of the plan's goals and strategies pertaining to industrial land uses revolve around mitigating negative impacts, ensuring sufficient buffering exists between industrial and non-industrial uses, and establishing incentives to upgrade or to relocate commercial and industrial businesses to other sites within Prince George's County, none of which is applicable to the subject approval.



- d. **Transportation Planning**—In review of Detailed Site Plan DSP-15021, the following summarized comments were offered.

The site is subject to the general requirements of site plan review, which include attention to parking, loading, on-site circulation, etc. No traffic-related findings are required. This site is on a recorded lot. The site plan shows two buildings surrounded by sidewalks and on-site parking. A sidewalk provides a link between the two proposed hotels and to Brightseat Road. The commercial driveways on the site provide access around the buildings. On-site circulation is deemed adequate. The sole access point is proposed on Brightseat Road at an unsignalized intersection in the northwest corner of the site. Any operational issues at this location will be addressed by the County.

The site is adjacent to Arena Drive and Brightseat Road, both listed as master plan roadways in the Subregion 4 Master Plan and SMA. Arena Drive is listed as an arterial roadway with a right-of-way width varying from 120 to 150 feet. Brightseat Road is listed as a collector roadway with 80 feet of right-of-way. The property is also adjacent to the Capital Beltway (I-95/495), a master plan freeway. No structures are being proposed within the master plan rights-of-way of these roadways.

The Planning Board hereby finds that from the standpoint of transportation, the site plan is acceptable and meets the findings required for approving a DSP, as described in Section 27-285 of the Zoning Ordinance.

- e. **Subdivision Review**—With respect to subdivision issues, the Planning Board finds that the property is Parcel A of the Brightseat Road Subdivision, located on Tax Map 67 in Grid D-1, and measures 5.30 acres. The property is currently vacant and is in the I-3 Zone.

Parcel A was the subject of Preliminary Plan of Subdivision 12-3266, which was approved on December 17, 1969 and recorded in Plat Book WWW 73-16. Records are no longer available for this case. Section 24-111(c) of the Subdivision Regulations states the following:

**Section 24-111. Resubdivision of land.**

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
- (1) **The proposed use is for a single-family detached dwelling(s) and uses accessory thereto; or**
  - (2) **The total development proposed for the final plat on a property that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not exceed five thousand**



- (5,000) square feet of gross floor area; or
- (3) **The development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area; or**
  - (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

**If for the purpose of resubdivision, the recorded final plat is submitted without modifications, the Planning Board shall approve the resubdivision as submitted if it finds that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Division 3 of this Subtitle. If the recorded final plat is submitted with modifications, the Planning Board may approve the resubdivision in accordance with Subsection (a) or (b), above.**

Since the record plat was recorded prior to October 27, 1970, a resubdivision plat is required to be completed prior to issuance of building permits. This plat (5-15059) is in the pre-review process, would create a single parcel, and must be approved prior to approval of building permits.

The existing I-3 zoning requires approval of a DSP pursuant to Section 27-471(d)(1) of the Zoning Ordinance.

The bearings, distances, and lot sizes, as shown on the DSP, are different than what is on the existing Record Plat (WWW 73-16), due to road dedication to the east and south of the property.

The applicant incorporated the second requirement in revised plans and the first requirement has been made a condition of this approval:

- (1) Prior to approval of building permits, a plat of resubdivision shall be approved. The DSP shall match the bearings, distances, and parcel sizes reflected on the plat of resubdivision.
- (2) Prior to approval of the DSP, the title block on all included sheets must be corrected to remove "Parcels 1-4, Block B" and add "Existing Parcel A" and "Proposed Parcel 1."



The DSP must be in substantial conformance with the resubdivision plat that is required to be completed prior to issuance of building permits. Failure of the DSP and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

f. **Trails**—The Planning Board hereby finds the following regarding master trail compliance:

- The project was evaluated for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas* in order to implement planned trails, bikeways, and pedestrian improvements.
- Two master plan trails impact the subject property. Continuous sidewalks and designated bike lanes are recommended along Brightseat Road and a sidepath (or wide sidewalk) is recommended along Arena Drive. The MPOT includes the following statements for each road:
  - **Brightseat Road Sidewalks and Bike Lanes**—Continuous sidewalks/wide sidewalks and on-road bicycle accommodations along Brightseat Road shall be required by condition of this approval. Brightseat Road is a major north-south connection through the Landover Gateway area, and currently facilities for pedestrians are fragmented. The road currently does not include striping for bicycle facilities. However, due to the speed and volume along the road, its connectivity through the sector plan area, and its connection to FedEx Field, designated bike lanes are desirable. Brightseat Road should also include accommodations for bicycles and pedestrians at the planned interchange with Landover Road (MD 202). These facilities will provide safe non-motorized connectivity to the Landover civic center and commercial core from surrounding neighborhoods (page 25).
  - **Arena Drive Shared-Use Side path**—Extend the existing wide sidewalks along the entire length of Arena Drive. This facility will improve pedestrian access between FedEx Field and the Largo Town Center (page 27).
- The MPOT also contains a section on Complete Streets, which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians:



**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

- The DSP hereby approved removes the existing four-foot-wide sidewalk along the subject site's frontage of Brightseat Road and replaces it with a five-foot-wide sidewalk, which meets current Prince George's County Department of Public Works and Transportation (DPW&T) guidelines and standards for access. Designated bike lanes or other appropriate on-road bicycle facilities along Brightseat Road may be considered by DPW&T at the time of road resurfacing. However, "Share the Road with a Bike" signage is required by condition of this approval.
- The master plan trail (or wide sidewalk) along Arena Drive has been constructed along the south side of the road opposite from the subject site. The wide sidewalk provides pedestrian access along the road and across the Capital Beltway (I-95/495). No sidewalk is warranted along the site's frontage of the north side of the road, as the current bridge over the Beltway does not include a sidewalk on that side, which means that pedestrian access along the road must be channeled to the south side of the road. However, the plans for the project herein approved reflect both a new crosswalk and pedestrian signals across Arena Drive at its intersection with Brightseat Road. These facilities will help to provide safe pedestrian access from the site to the existing sidewalk on the south side of Arena Drive.

Internal to the subject site, sidewalk access is provided around both of the proposed buildings. A sidewalk connection is also shown from the public right-of-way and sidewalk along Brightseat Road to each of the two buildings, with the sidewalk to the easternmost building extending along the access drive and through the parking lot. The Planning Board supports this sidewalk connection as shown. A small amount of bicycle parking is also recommended at each building.

- g. **Permit Review**—In regard to Permit Review, the Planning Board hereby finds:
- Setbacks, shall by condition of this approval be provided on Sheet 5 of 7 of the submitted site plan for the proposed freestanding signs. The freestanding signs shall also be clearly labeled on that plan.



- The key plan for the sign locations shown on Sheet 7 of 7 shall by condition of this approval be revised. The symbol number that is provided in the key plan for the large freestanding sign does not match the corresponding number provided on the sign detail sheet.
- Two large freestanding signs are proposed on the site and appear to be permitted. The applicant has correctly determined the allowed sign area for the freestanding sign proposed along Brightseat Road by calculating the linear feet of street frontage the site has along that particular roadway. However, the applicant has added the linear feet of street frontage of both the Capital Beltway (I-95/495) and Arena Drive for the purposes of determining the allowed sign area for the second freestanding sign that is proposed along the I-95 ramp. Section 27-614(c)(4) of the Zoning Ordinance states that, in the I-3 Zone, the area of the freestanding sign shall be not more than one-square-foot for each five lineal feet of street frontage along the street on which the sign faces. The linear feet of street frontage along either one of the roadways alone would not appear to permit the 100-square-foot sign that is being proposed, and it is not typical to allow the linear feet of street frontage along two separate roadways to be used in order to determine the allowed sign area for one freestanding sign. However, due to the orientation of the sign, the possibility that it will be facing both roadways and that Section 27-614(d)(3) of the Zoning Ordinance states that, in the I-3 Zone, the number of freestanding on-site signs permitted shall be determined by the Planning Board at the time of DSP review. The Planning Board hereby finds that the proposed signage is appropriate with one exception. The proposed sign at the Brightseat Road entrance shall by condition of this approval, be reduced to a maximum of 25 feet in height. The sign at the Brightseat Road entrance be revised by a condition of this approval to a smaller 25-foot height.
- Section 27-614(b) of the Zoning Ordinance states that, in the I-3 Zone, the height of a freestanding sign shall not be greater than the lowest point of the roof of any building in the employment park. Two freestanding signs are proposed at 35 feet 10 inches in height.
- The site plan shows two identical buildings that will both be four stories in height and 47,624 square feet in gross floor area. The applicant's statement of justification incorrectly indicates that architectural elevations were only submitted for one of the two buildings and the final architecture for the second building has not yet been finalized. In order to determine compliance with the height limitations for freestanding signs provided in Section 27-614(b) of the Zoning Ordinance, the lowest point of the roof for both of the proposed buildings shall by condition of this approval be clearly noted on the plans.
- The small freestanding sign shown on Sheet 7 of 7 shall be re-labeled as a



regulatory sign. Section 27-629(a)(1)(C) of the Zoning Ordinance limits regulatory signs in the I-3 Zone to a maximum of eight square feet. The proposed sign is approximately three square feet and is in compliance with this section.

- The sizes and types of parking spaces provided shall be included in the parking schedule. A loading schedule should also be added to the plan.
- Two loading spaces are required to serve the proposed development per the requirements of Section 27-582(a) of the Zoning Ordinance and have been added to the plans in conformance with this requirement.
- Twelve contiguous parking spaces are proposed along the north side of the site and no interior green island is proposed in this area. This is in conformance with the Landscape Manual requirement that a planting island shall be provided every ten spaces, on average.
- The exact building height should be clearly noted on the plans since it is used to determine the side and rear setback requirements in the I-3 Zone.

h. **Environmental Planning**—The following background information is provided regarding previous environmental approvals on the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-090-2015	N/A	Staff	Approved	7/7/2015	N/A
DSP-15021	TCP2-026-2015	Planning Board	Pending	Pending	Pending

An approved and signed Natural Resources Inventory, NRI-090-2015, for this project area was issued on July 7, 2015. A Type 2 Tree Conservation Plan, TCP2-026-2015, is being approved concurrently in the subject case.

The project is not grandfathered under the old regulations, but is subject to the current regulations of Subtitles 25 and Subtitle 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new DSP and there are no previous approvals.

The subject property is located in the northeast quadrant of the intersection of Arena Drive and Brightseat Road. An access ramp to the Capital Beltway (I-95/495) lies to the east of the site. The subject property is covered by existing woodlands, with the exception of some narrow strips of open land along the southern and western boundaries that accommodate utilities. The site is located within the Southwest Branch, a portion of the Western Branch watershed of the Patuxent river basin. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Web Soil Survey, are Collington-Wist, Collington-Wist-Urban land, Udorthents highway, Urban land-Collington-Wist, and Widewater and Issue



soils. According to available information, Marlboro Clay or Christiana complex soils are not found on the property. The Sensitive Species Project Review Area (SSPRA) map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, and review letter dated February 6, 2015 indicate that there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. There are no streams, Waters of the U.S., wetlands, or 100-year floodplain areas associated with the site. No forest interior dwelling species (FIDS) or FIDS buffer are mapped on-site.

The site has frontage on Arena Drive and Brightseat Road, both master-planned arterial roadways that are noise generators. However, due to the proposed commercial use, traffic-generated noise is not regulated for the subject project. Neither Arena Drive nor Brightseat Road are identified as historic or scenic roadways. The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulation Environmental Protection Areas Map as designated by Plan Prince George's 2035. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is predominantly within an evaluation area surrounded by network gaps.

The Planning Board hereby finds the following regarding the environmental issues connected with the subject project:

- An approved Natural Resources Inventory (NRI-090-2015), in conformance with the environmental regulations that became effective September 1, 2010, was submitted with the application. The NRI was approved on July 7, 2015. The site does not contain regulated environmental features such as wetlands, streams, associated buffers, steep slopes, and 100-year floodplain.
- This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland.
- The site contains a total of 5.20 acres of woodlands. The site has a woodland conservation threshold of 0.80 acre and a total requirement of 2.09 acres. The TCP2 proposes to meet the requirement with 2.09 acres of off-site woodland preservation on another property. The TCP2 proposes to preserve 0.60 acre of woodland on-site in a woodland preservation area not credited. The 0.60 acre area of woodland is less than 50 feet wide in several places; therefore it cannot be used to meet woodland conservation requirements. A temporary tree protection fence is proposed to protect the woodlands during development.
- The site does not contain any specimen, champion, or historic trees.
- Stormwater Management Concept Plan (14770-2015-00) was approved on



July 31, 2015 by DPIE which utilizes micro-bioretenion and permeable pavement to treat stormwater for the entire project.

- There are no scenic or historic roads located on or adjacent to the subject property.
- The site has frontage on Arena Drive, Brightseat Road, and a ramp to access the Capital Beltway. Arena Drive and Brightseat Road are master-planned arterial roadways that are traffic noise generators;

however, due to the proposed commercial use, traffic-generated noise is not regulated in relation to the subject project.

- The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Collington-Wist, Collington-Wist-Urban land, Udorthents highway, Urban land-Collington-Wist, and Widewater and Issue soils. According to available information, Marlboro clay or Christiana complex soils are not found to occur on the property. This information is provided for the applicant's benefit. The County may require a soils report, in conformance with County Council Bill CB-94-2004, during the building permit process.

- Prince George's County Fire/EMS Department**—In a memorandum dated December 28, 2015, the Fire/EMS Department offered information regarding needed access, private road design, and the location and performance of fire hydrants.
- Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 24, 2015, DPIE stated that the property, located at the intersection of Brightseat Road and Arena Drive, does not have frontage on any County-maintained roadways; however, a soils investigation report, which includes subsurface exploration and geotechnical engineering, would be required. Regarding stormwater management, DPIE indicated that the subject DSP is consistent with approved Stormwater Management Concept Plan 15770-2015 dated July 31, 2015. Further, DPIE stated that, based on the approved concept plan, the project is required to satisfy tenets of environmental site design to the maximum extent practicable. Further, they stated that all storm drainage systems and facilities are to be designed in accordance with DPW&T's specifications and standards, that existing utilities might require relocation and/or adjustment, and that coordination with other utilities would be required. Further, DPIE stated that landscaping of the stormwater management facilities would have to be done in accordance with DPIE guidelines, specifically mentioning that large shade trees should not be included in bioretention areas and that all trees should be located a minimum of three feet from any underground piping. In closing, DPIE offered additional specifics that will be addressed through their separate permitting process.
- Prince George's County Police Department**—In a memorandum dated



December 4, 2015, the Police Department commented on the placement of trees near light fixtures. Based on CPTED principles, the Police Department asked the applicant to allow adequate spacing between the trees and the light fixtures to prevent shadowed and dark areas resulting from future tree canopy encroachment upon the light fixtures.

The plans have been revised in response to the Police Department's comments.

1. **Prince George's County Health Department**—In a memorandum dated December 14, 2015, the Health Department stated that they had completed a health impact assessment review of the DSP submission for the Arena North Drive, Sandpiper Property, project and offered the following comments:

- Health Department permit records indicate that there are approximately ten carry-out/convenience store food facilities and one market/grocery store within a one-half mile radius of this location. A 2008 report by the University of California Los Angeles Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight children and obesity, in general. Future planning should consider designating retail space to businesses that provide access to healthy food choices within commercially-zoned areas.

The Health Department's comment regarding the need for a supermarket in the general vicinity of the subject project is noted. However, this application has no ability to affect their concern in this respect.

- The applicant must submit plans for the proposed food facility and apply to obtain a Health Department Food Service Facility permit through DPIE.

Revised plans for the subject project received have eliminated all mention of a restaurant being included in the subject project. Therefore, this comment is no longer applicable to the subject project.

- During the construction of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

A condition of this approval requires that the applicant, prior to certificate approval, include a note of the plans stating their intent to abide by these dust control requirements.

- No construction noise should be allowed to adversely impact activities on the



adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A condition has been included in this approval addressing the noise issue. However, note that the reference to the authority regarding noise has been corrected to refer to The Code of Maryland Regulations (COMAR), which is state law, instead of Subtitle 19 of the Prince George's County Code.

- m. **Maryland State Highway Administration (SHA)**—In an e-mail received January 7, 2016, a representative of SHA stated that the applicant for the subject project submitted a traffic impact study for review. Further, the SHA representative stated that the study had not been approved yet and, by letter dated September 28, 2015, the applicant had been asked to revise and resubmit the study. The representative then indicated that, while he understands transportation adequacy is not tested at the time of approval of a DSP, from his vantage point, the study for the project will have to be reviewed and approved by SHA before the development moves forward. In closing, he stated that any work in SHA rights-of-way will require a detailed SHA plan review and approval.
  - n. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated January 6, 2016, WSSC provided standard comments on this application regarding two hotels, including existing water and sewer systems in the area, along with requirements for service and connection, requirements for easements, including work within easements, spacing, meters, etc. These issues will be addressed at the time of application of permits for site work.
  - o. **Verizon**—In an e-mail received January 5, 2016, a representative of Verizon stated that plans for the subject project indicated the ten-foot-wide public utility easements normally required by Verizon.
  - p. **Potomac Electric Power Company (PEPCO)**—In an e-mail received January 5, 2016, a representative of PEPCO indicated that they concurred with the ten-foot-wide public utility easement shown on the plans, but reserved the right to require additional easements in the future if determined to be necessary.
13. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible.

Based on the review by the Environmental Planning Section as stated in Finding 14(e), this DSP is



in full conformance.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-026-2015) and Variances from Sections 27-474(b) and 27-471(f)(2) for Arena Drive North, Sandpiper Property, and further APPROVED Detailed Site Plan DSP-15021 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall provide the required information or make the following revisions to the plans:
  - a. A detail for the proposed permeable paving shall be included in the plan set.
  - b. The height of the two buildings shall be included within the footprint of the buildings on the DSP.
  - c. The applicant shall subtract five acres or 271,311 square feet of "Total Area of Existing Trees" from the calculation of "Total Tree Canopy Coverage Provided" in the Tree Canopy Coverage schedule for Section 25-128 provided on Sheet 2 of the landscape and lighting plan.
  - d. The applicant shall revise the parking and loading schedule provided on Sheet 5 of the plan to include the sizes of the parking and loading spaces.
  - e. The six parking spaces located along the most northern portion of the southeastern façade of proposed Building 2 currently shown to be paved in asphalt shall be designated to be paved with permeable concrete.
  - f. The parking bay immediately to the south of the bicycle rack provided for proposed Building 1 shall be redesigned so that all parking spaces in that bay meet the minimum size of 9.5 feet by 19 feet.
  - g. The following corrections shall be made to Sheet 7 of the plan:
    - (1) The signage chart included on Sheet 7 of the plan shall be revised as follows:
      - (a) The sign referred to as the "Free Standing Short Sign" shall be corrected to read "Regulatory Sign."
      - (b) The zoning requirements for the regulatory sign shall be corrected to read that the maximum height of the sign is 39 feet 10 inches and the maximum area of the sign is 8 square feet.
    - (2) The height listed under comments in the detail provided for "Large Freestanding



Sign No. 1” shall be revised to 35 feet 10 inches and the height listed under comments in the detail provided for “Large Freestanding Sign No. 2” shall be revised to read 25 feet.

- h. The aluminum fencing proposed at the top of the retaining walls running down the Brightseat Road frontage, in the middle of the site and at the southwesterly end of Building 2, shall be specified as having a “black baked-on gloss finish.”
- i. The following corrections shall be made to the indicated line item on the Tree Canopy Coverage schedule provided, pursuant to Section 25-128 of the Zoning Ordinance on Sheet 2 of the landscape and lighting plan:

Line Item on the Tree Canopy Coverage Schedule	As Stated on Sheet 2 of the Landscaping and Lighting	As Corrected
A. Total On-Site WC Provided (Acres)	0.60 acre/26,136 sq. ft.	0 acre/0 sq. ft.
B. Total Area Existing Trees (Non-WC Acres)	5.00 acre/217,800 sq. ft.	0.6 acre/26,136 sq. ft.
D. Total Tree Canopy Provided	271,311 sq. ft.	53,511 sq. ft.

- j. The applicant shall revise the Section 4.2 schedule to reflect that Option 1 is what is required in the Planned Industrial/Employment Park (I-3) Zone and demonstrating that its requirements are met along the Brightseat Road, Arena Drive, and Capital Beltway (I-95/495) frontages.
  - k. The applicant shall specify the brick architectural material to be utilized on the hotels as the proposed material for the dumpster enclosure.
2. Prior to issuance of building permits, a plat of resubdivision shall be approved.
  3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Prince George’s County Department of Public Works and Transportation (DPW&T) for the placement of one “Share the Road with a Bike” sign along Brightseat Road. A note shall be placed on the final record plat for payment to be received prior to issuance of the first building permit.

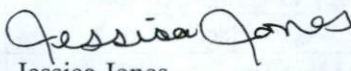
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, February 18, 2016, in Upper Marlboro, Maryland.

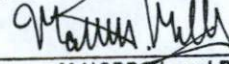
Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of March 2016.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:ydw

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 2/24/16

**Additional Back-up**

**For**

**DSP-15021-01**

**Hyattsville Brightseat Road**



**APPLICANT'S PROPOSED REVISIONS TO CONDITIONS**  
**HYATTSVILLE BRIGHTSEAT ROAD**  
**DETAILED SITE PLAN DSP-15021-01**

**RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-15021-01, and Type 2 Tree Conservation Plan TCP2-026-2015-02, for Hyattsville Brightseat Road, subject to the following conditions:

1. Prior to certification of the detailed site plan, the following revisions shall be made, or information shall be provided:
  - a. Update General Note 1 on Sheet 3, to show the amount of square feet dedicated to Brightseat Road.
  - b. Provide dimensions from the centerline of Brightseat Road to the property line.
  - c. In General Note 4, identify that General Note 4A refers to Parcel 2.
  - d. Provide a width dimension for one of the parking spaces located in front of the building.
  - e. Provide a detail for the proposed 2-foot-high retaining wall located next to Brightseat Road, listing the color and building material. The material should complement the materials used for the convenience store building.
  - f. Revise General Note 35 to state that construction shall conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
  - g. Revise General Note 36 to add "During the construction phases of this project, no dust shall be allowed to cross over property lines and impact adjacent properties".
  - h. Provide a tree canopy coverage schedule for Parcel 3, to demonstrate conformance to the requirements of the Prince George's County Tree Canopy Coverage Ordinance, as per Section 25-128 of the Prince George's County Code.
  - i. Based on the submitted truck turning plans, **either modify the plans to not impact on-site curbs or** modify the site layout to allow for a WB-50 intermediate semi-trailer to safely maneuver through the site. The exact design and truck turning plans, with design vehicle classification, shall be evaluated and accepted by the Transportation Planning Section.

- j. Revise the proposed loading space to be 12 feet wide by 33 feet long, in accordance with Section 27-578(a) of the prior Prince George’s County Zoning Ordinance.
  - k. Revise the signage chart to list the building length in accordance with that shown on the site plan.
  - l. Revise the signage chart to provide correct Prince George’s County Code regulations for calculation of freestanding sign areas, including gas price signs.
  - m. Revise the area of the 25-foot-high pylon sign, so that the area is no more than the maximum allowed, per Section 27-614(c)(4) of the prior Prince George’s County Zoning Ordinance.
  - n. Per Section 27-614(c)(6) of the prior Prince George’s County Zoning Ordinance, revise the area of a gas price sign included in the pylon sign to be no more than the maximum allowed, or demonstrate that three or more types of gasoline are being advertised.
  - o. Relocate the monument sign to the south side of the Americans with Disabilities Act ramp. Provide an enlarged insert plan of the area around the monument sign, to clearly show its location, dimension, and setbacks.
  - p. Locate the two bicycle racks in an area with hard surfaces, near the front entrance to the convenience store building.
  - q. Provide a detail for the proposed handrail located near the Americans with Disabilities Act ramp.
  - r. On Sheet 1, General Note 3, delete the word “Existing”.
  - s. On the site plan, please call out the location of the 4-foot aluminum fence.
  - t. On the site plan, add the location where the details can be found that depict the trash enclosure and the retaining wall.
2. Prior to the certification of the detailed site plan, the Type 2 tree conservation plan shall be revised as follows:
- a. Add the approval information for the -01 revision in the Environmental Planning Approval Block.
  - b. Depict the new property boundaries (based on Preliminary Plan of Subdivision 4-22006) on the plan and update the parcel information on Sheet 2 (black-lined version of the plan).